DRAFT

Agenda Item Number : 2A

Request For Council Action

Date Submitted 2015-02-27 10:37:50

Applicant Jeff Peay - Park Planning Manager

Quick Title Professional Services Agreement å€" Little Valley Pickleball Cou

Subject Little Valley Pickleball Facility Professional Services Agreement with

Sunrise Engineering Inc.

Discussion A Professional Services Agreement (PSA) was received from Sunrise

Engineering to further design and develop the Little Valley Pickleball Court Complex. The PSA fees for this project will exceeded \$25,000 and require City Council approval. Sunrise Engineeringâ∈™s PSA proposal is \$107,600. The project will include engineering design and documentation for 12 pickleball courts, the Northeast parking lot, an extension of the existing restroom/storage building and a short section of trail near the pickleball courts. Also included in the PSA are services associated with bidding and construction administration related to the project. Due to the required completion date of this project it is imperative that the project design phase be started as soon as possible. We are seeking approval to accept the engineering PSA by Sunrise Engineering for \$107,600.

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Cost \$107,600

City Manager Recommendation This professional service would facilitate the additional pickleball courts in Little Valley with the hope that they will be completed by the

Senior Games.

Action Taken

Requested by Jeff Peay - Park Pla

File Attachments 2-27-15 SUNRISE SG FORM.PSA-CC.12-19-14 over 25k.pdf

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments Sunrise Engineering provided design and construction administration

services on the initial phase of the Little Valley Pickleball Complex. They were selected due to their experience with post tension slabs and previous experience with pickleball court design and construction. This project currently doesn't have a budget allocation and will require

a budget opening.

Attachments 2-27-15 SUNRISE SG FORM.PSA-CC.12-19-14 over 25k.pdf

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into this	_ day of	, 2015, by and between the
City of St. George, a municipal corporation, with or	ffices at 175 East 200 No	orth, St. George, Utah 84770
(hereinafter called the "CITY"), and Sunrise Engine	eering, with offices at 11	North 300 West, Washingt,
Utah 84780 (hereinafter called "CONSULTANT").	_	

WITNESSETH THAT:

WHEREAS, CITY desires professional services to be performed and has solicited CONSULTANT to provide civil engineering services including design development, engineering drawings, specifications, bid schedule, and construction observation for the Little Valley Pickleball Phase 4 Project (hereinafter called the PROJECT); and

WHEREAS, CONSULTANT has submitted a proposal dated February 25, 2015, which outlines the scope of work for the PROJECT; and

WHEREAS, CITY selected CONSULTANT to perform the services for the PROJECT;

NOW, THEREFORE, for the consideration hereinafter set forth, the parties hereto do mutually agree as follows:

1. **EMPLOYMENT OF CONSULTANT.**

- a. CONSULTANT is a professional Engineer licensed by the State of Utah and the City of St. George. CONSULTANT has all licenses, permits, and approvals that are legally required for CONSULTANT to practice its profession and shall keep them in effect at all times during the term of this Agreement.
- b. CONSULTANT states that it has the necessary knowledge, experience, abilities, skills and resources to perform its obligations under this Agreement, and agrees to perform its obligations under this Agreement in a professional manner, consistent with prevailing industry standards and practices as observed by competent practitioners of the profession in which CONSULTANT and its subcontractors or agents are engaged.
- c. CONSULTANT certifies that it does not and will not during the performance of this contract knowingly employ, or subcontract with any entity which employs workers in violation of 8 USC § 1324a. CONSULTANT agrees to require all subcontractors at the time they are hired for this project to sign a Certification of Legal Work Status and submit the Certification to CITY prior to any work being performed by the subcontractors. CONSULTANT agrees to produce, at CITY's request, documents to verify compliance with applicable State and Federal laws. If CONSULTANT knowingly employs workers or subcontractors in violation of 8 USC § 1324a, such violation shall be cause for unilateral cancellation of the contract between CONSULTANT and CITY. In addition, CONSULTANT may be suspended from participating in future projects with CITY for a period of one (1) year. In the event this contract is terminated due to a violation of 8 USC § 1324a by CONSULTANT or a subcontractor of CONSULTANT, CONSULTANT shall be liable for any and all costs associated with such termination, including, but not limited to, any damages incurred by CITY as well as attorney fees. For purposes of compliance, CITY

- requires CONSULTANT and subcontractors to use E-Verify or other federally accepted forms of verification to verify the employment eligibility of all employees as allowed by law and the E-Verify procedures. CONSULTANT and subcontractors must maintain authorized documentation of the verification.
- d. CONSULTANT shall not, either during or after the term of this Agreement, make public any reports or articles, or disclose to any third party any confidential information relative to the work of City or the operations or procedures of CITY without the prior written consent of CITY.
- e. CONSULTANT further agrees that it shall not, during the term of this Agreement, take any action that would affect the appearance of impartiality or professionalism.
- f. CONSULTANT, by execution of this Agreement, certifies that it does not discriminate against any person upon the basis of race, color, creed, national origin, age, sex, disability or marital status in its employment practices.
- g. CONSULTANT expressly acknowledges and agrees that nothing in this Agreement shall be deemed to relieve CONSULTANT from any obligation to comply with all applicable requirements of CITY during the term of this Agreement including the payment of fees and compliance with all other applicable ordinances, resolutions, regulations, policies and procedures of CITY, except as modified or waived in this Agreement.
- h. CONSULTANT shall comply with all applicable federal, state, and local laws, regulations, and ordinances that affect those employees or those engaged by CONSULTANT on the PROJECT, and will procure all necessary licenses, permits and insurance required.
- i. CITY acknowledges that CONSULTANT may employ various specialized subcontractors for up to 15% of the services provide herein. CONSULTANT shall give written notice to CITY at least seven (7) days prior to CONSULTANT's employment of the subcontractors to perform portions of the work provided for in this Agreement. It shall be solely CONSULTANT's responsibility to ensure that any of CONSULTANT's subcontractors perform in compliance with the terms of this Agreement. Subcontractors may not be changed without ten (10) days prior written notice to CITY.

2. PROJECT SERVICES DESCRIPTION.

- a. CONSULTANT will provide the services covered by this Agreement as described in the attached Scope of Work (Exhibit A) which is made a part of this Agreement by this reference. CITY may at any time, as the need arises, order changes within the scope of the services without invalidating the Agreement. If such changes increase or decrease the amount due under the Agreement, or in the time required for performance of the work, an equitable adjustment shall be authorized by change order.
- b. CONSULTANT shall furnish all of the material, supplies, tools, transportation, equipment, labor, subcontractor services and other services necessary for the completion of the work described in Exhibit A.
- c. CONSULTANT shall provide services in compliance with all applicable requirements of federal, state, and local laws, codes, rules, regulations, ordinances, and standards.

3. TERM OF AGREEMENT.

a. This Agreement shall be effective as of the date executed by all parties and shall continue until services provided for this Agreement have been performed unless otherwise terminated as set forth in this Agreement.

- b. CONSULTANT agrees to perform services as expeditiously as is consistent with professional skill and care and the orderly progress of the PROJECT. CONSULTANT shall perform the services in a timely manner according to the schedule approved by CITY, for a target date of completion set at May 25, 2015.
- c. CONSULTANT shall perform its services according to the schedule upon receipt of a written Notice to Proceed from CITY. CITY may authorize costs to be incurred prior to such written Notice to Proceed. In the event that performance of its services is delayed by causes beyond the reasonable control of CONSULTANT, and without the fault or negligence of CONSULTANT, the time for the performance of the services shall be equitably adjusted by written amendment to reflect the extent of such delay. CONSULTANT shall provide CITY with written notice of delay, including a description of the delay and the steps contemplated or actually taken by CONSULTANT to mitigate the effect of such delay.

4. **COMPENSATION**

For the performance of the services and completion of PROJECT set forth herein, CITY shall reimburse CONSULTANT as set out in the Contract Documents, not to exceed the amounts listed in Exhibit "A".

5. INVOICING, PAYMENT, NOTICES.

- a. CONSULTANT shall submit invoices, no more frequently than monthly, for the services rendered during the preceding period; invoices shall describe the services performed, list all subcontractor's used and the amount owed or paid to them, list all suppliers used and the amount owed or paid to them, list the contract amount, list the current invoice amount based on percentage of task complete, list the previous invoice amount, list total invoices to date, and list the contract balance.
- b. In executing the request for payment, CONSULTANT shall attest that subcontractors involved with prior requests for payment have been paid, unless CONSULTANT provides a detailed explanation why such payments have not occurred. CONSULTANT shall also sign a "Conditional Waiver and Release Upon Progress Payment" and a Certificate of Legal Work Status and submit them with each request for payment. CONSULTANT shall require each subcontractor to sign a "Conditional Waiver and Release Upon Progress Payment" and a Certificate of Legal Work Status at the time subcontractor is paid and shall provide a copy of the both documents to CITY. CONSULTANT shall also sign a "Conditional Waiver and Release Upon Progress Payment" and a Certificate of Legal Work Status and submit them with each request for payment.
- c. A "Waiver and Release Upon Final Payment" signed by CONSULTANT attesting that all subcontractors, laborers and material suppliers involved with prior requests for payment have been paid, and that all subcontractors, laborers and material suppliers upon which the final payment is based will be paid immediately unless CONSULTANT provides a detailed explanation why such payments have not occurred or will not occur. CONSULTANT shall also require each subcontractor to sign a "Waiver and Release Upon Final Payment" and a Certificate of Legal Work Status at the time subcontractor is paid its final payment and shall provide a copy of both documents to CITY.

- d. If such liens, claims, security interests or encumbrances remain unsatisfied after payments are made, CONSULTANT shall refund to CITY all money that CITY may be compelled to pay in discharging such liens, including all costs and reasonable attorneys' fees.
- e. All invoices for reimbursable costs shall be taken from the books of account kept by CONSULTANT, and CONSULTANT shall maintain copies of payroll distribution, receipted bills and other documents. CITY shall have the right to review all books and records kept by CONSULTANT and any subcontractors concerning the operation and services performed under this Agreement.
- f. CITY shall withhold payment for any expenditure not substantiated by CONSULTANT'S or subcontractor's books and records.
- g. In the event CITY has made payment for expenditures that are not allowed, as determined by CITY'S audit, CONSULTANT shall reimburse CITY for the amount of the un-allowed expenditures. If additional money is owed to CONSULTANT, the reimbursement may be deducted from the additional money owed.
- h. CITY shall make no payment for any services not specified in this Agreement unless such additional services and the price thereof are agreed to in writing, prior to the time that such additional services are rendered.
- i. Invoices shall be paid to CONSULTANT within thirty (30) days of presentation to CITY.
- j. CITY may withhold 5% of billed amount as retention. Retention held shall be included in the final invoice after the contract is complete.

6. CHARGES AND EXTRA SERVICE.

- a. CITY may make changes within the general scope of this Agreement. If CONSULTANT is of the opinion that a proposed change causes an increase or decrease in the cost and/or the time required for performance of this Agreement, CONSULTANT shall notify CITY of that fact. An agreed-upon change will be reduced to writing signed by the parties hereto and will modify this Agreement accordingly. CONSULTANT may initiate such notification upon identifying conditions which may change the services agreed to on the effective date of this Agreement, as set forth in Exhibit "A". However, CONSULTANT represents that to the best of its knowledge that it is not aware of any such conditions on the date hereof. Any such notification must be provided within thirty (30) days from the date of receipt by that party of the other party's written notification of a proposed change.
- b. CITY may request CONSULTANT to perform extra services not covered by Exhibit "A", and CONSULTANT shall perform such extra services and will be compensated for such extra services when they are reduced to a writing mutually agreed to and signed by the parties hereto amending this Agreement accordingly.
- c. CITY shall not be liable for payment of any extra services nor shall CONSULTANT be obligated to perform any extra services except upon such written amendment.
- 7. TO BE FURNISHED BY CITY. Resources to be furnished by CITY to CONSULTANT, at no cost to CONSULTANT, consist of CITY staff assistance for oversight and meetings to help perform the services. CONSULTANT shall verify accuracy of the information provided, unless otherwise stated in the contract documents.
- 8. <u>INSPECTIONS.</u> All work shall be subject to inspection and approval of CITY or its authorized representative.

9. ACCURACY AND COMPLETENESS.

- a. CONSULTANT has total responsibility for the accuracy and completeness of its investigations, calculations, reports, plans and related designs, specifications and estimates prepared for the PROJECT and shall check all such material accordingly.
- b. The plans will be reviewed by CITY for conformity with PROJECT objectives and compliance with CITY Standards.
- c. Reviews by CITY do NOT include the detailed review or checking of major design components and related details or the accuracy with which such designs are depicted on the plans.
- d. The responsibility for accuracy and completeness remains solely with CONSULTANT and shall be performed consistent with the standard of care.

10. INDEPENDENT CONTRACTOR.

- a. CITY retains and employs CONSULTANT, as an independent contractor, to act for and represent it in all matters involved in the performance of services on the PROJECT, subject to the terms, conditions and stipulations as hereinafter stated.
- b. It is understood and agreed that CONSULTANT will provide the services without supervision from CITY. CONSULTANT is an independent contractor and is not an employee, officer, or agent of CITY for any purposes related to the performance of this Agreement and is not an employee of CITY and is not entitled to any benefits from CITY.
- c. Nothing in this agreement shall create nor be construed to constitute a partnership or joint venture between CONSULTANT and CITY.
- d. CONSULTANT is advised to obtain and maintain in effect during the term of this Agreement medical insurance and disability insurance for all related work performed under this Agreement.
- e. CONSULTANT acknowledges that CITY will not withhold any federal, state, or local taxes, including FICA, nor will CITY provide any unemployment compensation or worker's compensation coverage. As an independent contractor, CONSULTANT shall be responsible for all taxes, worker's compensation coverage and insurance coverage, and shall hold CITY harmless and indemnify CITY from and against any and all claims related to taxes, unemployment compensation, and worker's compensation.
- f. CONSULTANT shall secure, at its own expense all personnel required in performing the services under this Agreement. The employees of CONSULTANT shall not be considered to be the employees of CITY nor have any contractual relationship with CITY. CONSULTANT and its employees shall not hold themselves out as, nor claim to be officers or employees of CITY by reason of this Agreement. The employees of CITY shall not be considered to be employees of CONSULTANT.
- g. Neither party has the right to bind or obligate the other in any way. CONSULTANT shall not use the name, trademarks, copyrighted materials, or any information related to this Agreement in any advertising or publicity without CITY'S prior written authorization.

11. **INSURANCE.**

a. GENERAL: CONSULTANT shall secure and maintain insurance as required by laws and regulations and the terms of this agreement to protect against any liability, loss or expense which occurs or arises as a result of the performance of the services provided pursuant to this

- agreement or as changed as provided herein. CONSULTANT'S insurer must be authorized to do business in Utah and must have an A.M. Best rating of A VIII or better at the time this contract is executed.
- b. COMMENCEMENT OF WORK: Neither CONSULTANT, his Suppliers nor any subcontractors shall enter the site of the work or commence work under this contract before CITY has received and accepted Certificate(s) of Insurance and Insurance Endorsements, and has issued the Notice to Proceed.
- c. INSURANCE CERTIFICATES AND COVERAGE: Insurance certificates shall be issued on all policies required under this contract and shall be signed by an authorized representative of the insurance company. The insurance certificate or the coverage required shall include the following:
 - i. The name and address of the insured.
 - ii. CITY shall be named as a Certificate Holder.
 - iii. CITY shall be named as an additional primary insured on the General Liability Certificate with CITY listed as non-contributory on the General Liability certificate.
 - iv. The location of the operations to which the insurance applies.
 - v. The number of the policy and the type or types of insurance in force thereunder on the date borne by the certificate.
 - vi. The expiration date of the policy and the limit or limits of liability thereunder on the date borne by the certificate.
 - vii. A statement that all coverage is on an occurrence basis rather than a claims basis except for the Professional Errors and Omissions Malpractice Insurance coverage.
 - viii. A provision that the policy or policies will not be cancelled, denied renewal, or reduced in coverage until at least 30 days after written notice has been received by CITY.
 - ix. Name, address, and telephone number of the insurance company's agent of process in Utah
 - x. Other information to demonstrate compliance with additional requirements stipulated for the various types of insurance coverage.
- d. COMPENSATION INSURANCE: CONSULTANT shall take out and maintain Worker's Compensation Insurance as required by the Labor Code for all its employees at the site of the work during the life of this contract. Coverage must be provided by a company authorized by the State of Utah to provide Worker's Compensation Insurance. The insurance shall include:
 - i. Insurance certificates shall provide a waiver of subrogation by the carrier to Certificate Holder.
 - ii. CONSULTANT shall require each subcontractor to provide Workers Compensation Insurance for its employees unless such employees are covered by CONSULTANT.
 - iii. In the event any class of employees engaged in hazardous work under this contract is not protected by the Worker's Compensation Statute, CONSULTANT shall provide, and shall cause its subcontractors to provide, special insurance for the protection of such employees not otherwise protected.
- e. COMMERCIAL GENERAL LIABILITY INSURANCE:
 - i. CONSULTANT shall procure, and maintain commercial general liability insurance for the duration of the contract against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONSULTANT, his agents, representatives, employees or

subcontractors. The insurance shall remain in effect during the term of this agreement and such that claims reported beyond the date of substantial completion of this agreement are covered and during the warranty period, to the extent that it relates to the activities covered by this Agreement, in such manner and amounts as set forth herein.

- ii. The Insurance Endorsement shall evidence such provisions.
- iii. The minimum commercial general liability insurance shall be as follows:
 - 1. Comprehensive general liability insurance for injuries, including accidental death, to any one person in any one occurrence in an amount not less than \$703,000 Dollars.
 - 2. Comprehensive general liability insurance for injuries, including accidental death, to two or more persons in any one occurrence in an amount not less than \$2,407,700 Dollars.
 - 3. Broad form property damage insurance in an amount not less than \$281,300 Dollars.
- iv. Such policy shall include each of the following coverages:
 - 1. Comprehensive form.
 - 2. Premises operations.
 - 3. Explosion and collapse hazard.
 - 4. Underground hazard.
 - 5. Product/completed operations hazard.
 - 6. Contractual insurance.
 - 7. Broad form property damage, including completed operations.
 - 8. Independent contractors for vicarious liability.
 - 9. Personal injury.
 - 10. Cross liability or severability of interest's clause shall be included unless a separate policy covering CITY is provided.

f. PROFESSIONAL LIABILITY ERRORS AND OMISSIONS INSURANCE:

- i. CONSULTANT shall carry and maintain Professional Liability Errors and Omissions Insurance in an amount not less than \$2,000,000 Dollars for all work performed under this Agreement.
- ii. CONSULTANT shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONSULTANT, his agents, representatives, employees or subcontractors. With respect to General Liability, Professional liability coverage should be maintained for a minimum of five (5) years after contract completion.
- iii. If Professional Liability coverages are written on a claims-made form:
 - 1. The retroactive date must be shown, and must be before the date of the contract or the beginning of contract work.
 - 2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
 - 3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the CONSULTANT must purchase an extended period coverage for a minimum of five (5) years after completion of contract work.
 - 4. A copy of the policy must be submitted to CITY for review.
- g. BUSINESS AUTOMOBILE COVERAGE:
 - i. CONSULTANT shall carry and maintain business automobile insurance coverage on

each vehicle used in the performance of the work in an amount not less than \$1,000,000 Dollars for one person and \$2,407,700 Dollars for more than one person and for property damage resulting from any one occurrence which may arise from the operations of CONSULTANT in performing the work.

- ii. Such business automobile insurance shall include each of the following types:
 - 1. Comprehensive form, including loading and unloading.
 - 2. Owned.
 - 3. Hired.
 - 4. Non-owned.

12. INDEMNITY AND LIMITATION.

- a. CONSULTANT shall indemnify, defend, and hold harmless CITY, its elected officials, officers, employees, and representatives against any and all claims, suits, causes of action, demands, losses, costs, and damages and liability of every kind including but not limited to all fees and charges of attorneys and other professionals and all court or other dispute resolution costs for:
 - i. death or injuries to persons or for loss of or damage to property caused by, resulting from, or arising out of the intentional, reckless, negligent, or wrongful acts, errors or omissions, or other liability imposed by law of CONSULTANT, its officers, employees, agents, or representatives in the performance of services under this Agreement or any subcontractor, any supplier, any person or organization directly or indirectly employed by any of them to perform or furnish any of the work;
 - ii. CONSULTANT's failure or refusal, whatever the reason, to pay subcontractors or suppliers for Work performed under the Agreement;
 - iii. claims by any employee of the CONSULTANT, any subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, CONSULTANT'S indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the CONSULTANT or any subcontractor under workmen's compensation acts, disability benefit acts or other employee benefits acts.
- b. CITY shall give CONSULTANT prompt written notice of any such claims or suits filed against CITY arising out of the services provided under this Agreement. CONSULTANT agrees to defend against any claims brought or actions filed against CITY arising out of the services provided under this Agreement, whether such claims or actions are rightfully or wrongfully brought or filed. In the case when a claim is brought or an action filed with respect to the subject of indemnity herein, CONSULTANT agrees that CITY may employ a separate attorney to appear and defend the claim or action on its own behalf at the expense of CONSULTANT. CONSULTANT shall be responsible for all costs associated with any claim, demand, action, suit or judgment including attorney fees for which they indemnify or defend CITY.
- c. The insurance requirements in this agreement shall not be construed as limiting CONSULTANT'S liability. Irrespective of the requirements for CONSULTANT to carry insurance as provided herein, insolvency, bankruptcy or failure of any insurance company to pay all claims accruing shall not be held to relieve CONSULTANT of any obligations under this agreement.

13. **DOCUMENTS.**

- a. All data used in compiling CONSULTANT's work, and the results of any tests or surveys, as well as all photographs, drawings, electronically stored records of work performed, renderings, specifications, schedules, CONSULTANT's work, data processing output, computations, studies, audits, research, reports, models and other items of like kind prepared by CONSULTANT, and its employees, shall be the sole and exclusive property of CITY, and CITY shall own all intellectual property rights thereto whether the specific work project for which they are made is undertaken or not. CONSULTANT may retain reproducible copies of all of the foregoing documents for information and reference and customary marketing and public relations. The originals of all of the foregoing documents shall be delivered to CITY promptly upon completion thereof. This provision may be enforced by an order of specific performance and is independent of any other provision of this Agreement. Compliance by CONSULTANT with this paragraph shall be a condition precedent to CITY's obligation to make final payment to CONSULTANT. If CITY has specific requirements on the information and manner the documentation is collected, CITY shall provide those specifics to CONSULTANT in writing.
- b. Plans, specifications, maps and record drawings prepared or obtained under this Agreement shall be provided to CITY in a format approved by CITY which shall generally be a hard copy and an electronic copy, and shall become the property of CITY whether the work for which they are prepared is executed or not.
- c. The basic survey notes and sketches, charts, computations, and other data prepared under this Agreement shall be made available upon request to CITY without restriction or limitation on their use.
- d. CITY shall have the right to use reports, designs, details or products developed as part of this Agreement for purposes of maintenance, remodeling or reconstruction of existing facilities or construction of new facilities without additional compensation to CONSULTANT or without restriction or limitation on its use even if documents are considered copyrighted material.
- e. CITY will hold harmless CONSULTANT for any use or reuse of these reports, designs, or details for purposes other than the project associated with this Agreement unless CITY obtains validation of that use or reuse from CONSULTANT.

14. RECORDS.

- a. CONSULTANT shall maintain records, books, documents and other evidence directly pertinent to the performance of services under this Agreement in accordance with generally accepted accounting principles and practices.
- b. CONSULTANT agrees to keep proper books of records and accounts in which complete and correct entries will be made of payroll costs, travel, subsistence, and field expenses.
- c. Said books shall, at all times, be available for at least three (3) years after final payment for reasonable examination by CITY.

15. **TERMINATION.**

- a. CITY may terminate this Agreement by providing fourteen (14) days written notice prior to the effective termination date to CONSULTANT.
- b. In the event of such termination, CITY shall pay CONSULTANT for all services actually rendered up to and including the date of termination.

- c. CONSULTANT shall deliver to CITY copies of all drawings, reports, analyses, documents and investigations, whether completed or not, that were prepared or were being prepared under the provisions of this Agreement.
- 16. **CONFLICT BETWEEN DOCUMENTS.** In the event of a conflict between this Agreement and any other documents with Contractor, this Agreement shall govern.

17. **CONFLICT OF INTEREST.**

- a. CONSULTANT certifies that it has disclosed to CITY any actual, apparent or potential conflicts of interest that may exist relative to the services to be provided pursuant to this Agreement.
- b. CONSULTANT agrees to advise CITY of any actual, apparent or potential conflicts of interest that may develop after the date of execution of this Agreement.
- c. CONSULTANT further agrees to complete any statements of economic interest required by either CITY ordinance or State law.
- 18. NON WAIVER. No failure or waiver or successive failures or waivers on the part of either party hereto, their successors or permittee assigns, in the enforcement of any condition, covenant, or Article of this Agreement shall operate as a discharge of any such condition, covenant, or Article nor render the same invalid, nor impair the right of either party hereto, their successors or permitted assigns, to enforce the same in the event of any subsequent breaches by the other party hereto, its successors or permitted assigns.
- 19. NOTIFICATION. All notices required or permitted to be made by either party in connection with this Agreement shall be in writing, and shall be deemed to have been duly given: (a) five (5) business days after the date of mailing if sent by U.S. mail, postage prepaid, (b) when transmitted if sent by facsimile, provided a confirmation of transmission is produced by the sending machine and a copy of such facsimile is promptly sent by another means specified in this Section; or (c) when delivered if delivered personally or sent by express courier service. All notices shall be sent to the other party at its address as set forth below unless written notice is given by either party of a change of address:

CITY: City of St. George CONSULTANT: Sunrise Engineering
175 East 200 North 11 North 300 West
St. George, Utah 84770 Washington, Utah 84780
Attention: Millie Cockerill Attention: Joseph Phillips

20. GOVERNING LAW AND VENUE. This Agreement shall be construed according to the laws of the State of Utah. The parties agree that venue for all legal actions, unless they involve a cause of action with mandatory federal jurisdiction, shall be the Fifth District Court for the State of Utah. The parties further agree that the Federal District Court for the District of Utah shall be the venue for any cause of action with mandatory federal jurisdiction. The parties shall have all rights and remedies provided under applicable Federal or State law for a breach or threatened breach of this Agreement. These rights and remedies shall not be mutually exclusive, and the exercise of one or more of these rights and remedies shall not preclude the exercise of any other rights and remedies. Each party agree that damages at law may be an inadequate remedy for a

breach or threatened breach of any provision hereof and the respective rights and obligations of the parties hereunder shall be enforceable by specific performance, injunction, or other equitable remedy. Nothing in this Agreement shall be construed to waive the sovereign immunity of the government parties.

- 21. <u>LEGAL FEES.</u> Should any party default on any of the covenants or agreements contained herein, the defaulting party shall pay all costs and expenses, including reasonable attorney's fee, which may arise or accrue from enforcing this Agreement or in pursuing any remedy provided hereunder or by applicable law, whether such remedy is pursued by filing a lawsuit or otherwise. This obligation of the defaulting party to pay costs and expenses includes, without limitation, all costs and expenses, including reasonable attorney's fee including appeals and bankruptcy proceedings. If either party commences legal action to interpret any term of this agreement, the prevailing party shall be entitled to recover all reasonable attorneys' fees, court costs, and any other costs incurred in connection with such action.
- 22. MODIFICATION OF AGREEMENT. CITY specifically reserves the right to modify or amend this Agreement and the total sum due hereunder either by enlarging or restricting the scope of the Work. All modifications shall be in writing and executed by both parties. Each Work Order adopted under this Agreement shall incorporate the terms and conditions of this Agreement and shall constitute a modification to this contract. A Work Order may amend the terms and conditions of this Agreement only as they apply to that particular Work Order and shall not have any general effect on this Agreement.
- 23. **RESERVED LEGISLATIVE POWERS.** Nothing in this Agreement shall limit the future exercise of the police power by CITY in enacting zoning, subdivision, development, transportation, environment, open space, and related land use plans, policies, ordinances, and regulations after the date of this Agreement, but which shall not be retroactively applied to or modify this Agreement.
- 24. <u>SUCCESSORS AND ASSIGNS.</u> CONSULTANT shall not assign, sublet, sell, transfer, or otherwise dispose of any interest in this Agreement without assigning the rights and the responsibilities under this Agreement and without the prior written approval of CITY. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and permitted assigns, but shall not inure to the benefit of any third party or other person.
- 25. NO JOINT VENTURE, PARTNERSHIP OR THIRD PARTY RIGHTS. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the parties. No term or provision of this Agreement is intended to or shall, be for the benefit of any person, firm, organization or corporation not a party hereto, and no such other person, firm, organization or corporation shall have any right or cause of action hereunder.
- 26. <u>INTEGRATION</u>. This Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understanding of whatever kind or nature between CITY and CONSULTANT and supersedes and replaces all terms and

- conditions of any prior agreements, arrangements, negotiations, or representations, written or oral, with respect to this PROJECT.
- 27. **SEVERABILITY.** If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.
- 28. **CONSTRUCTION.** Each of the parties hereto has had the opportunity to review this agreement with counsel of their choosing and the rule of contracts requiring interpretation of a contract against the party drafting the same is hereby waived and shall not apply in interpreting this agreement.
- 29. <u>SURVIVAL</u>. It is expressly agreed that the terms, covenants and conditions of this Agreement shall survive any legal act or conveyance required under this Agreement.
- 30. **HEADINGS.** The section and other headings in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.
- 31. **COUNTERPARTS.** This Agreement may be executed in counterparts each of which shall be an original and shall constitute one and the same agreement.
- 32. <u>AUTHORITY OF PARTIES.</u> The parties executing this Agreement hereby warrant and represent that they are duly authorized to do so in the capacity stated and that this Agreement constitutes a valid and binding Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by the CITY and CONSULTANT effective from the day and year first written above.

CITY: City of St. George	CONSULTANT: Sunrise Engineering
Jonathan T. Pike, Mayor ATTESTED:	Joseph Phillips Principal/Project Engineer
Christina Fernandez, City Recorder	
APPROVED AS TO FORM	
Paula Houston, Deputy City Attorney	



February 26, 2015

Mr. Jeff Peay Park Planning Manager City of St. George 390 North 3050 East St. George, UT 84790

Re: Fields Phase IV Design & Construction

Professional Engineering Services Proposal

Dear Mr. Peay,

Sunrise Engineering (Sunrise) is pleased to submit this professional services fee proposal for the project referenced above. We're appreciative of our ongoing work with St. George City (the City) and look forward to future opportunities together.

PROJECT OBJECTIVES

The City is preparing to advance progress on The Fields park through implementation of a new phase, Fields Phase IV. This phase of the project, as shown in the current Concept Plan dated September 29, 2014, will include installation of 12 pickleball courts with lighting and other amenities, completion of the west parking lot, construction of the north side trail area adjacent to the pickleball courts, and completion of the restroom building at the pickleball facility.

SCOPE OF SERVICES

Based on the Project Objectives outlined above, Sunrise proposes to complete the following Scope of Services:

- 1. Engineering Design Phase
 - a. Coordinate and plan for tie-ins to existing hardscape, utilities, and infrastructure.
 - b. Prepare civil engineering drawings, specifications, line-item takeoffs, and a bid schedule to be included in the bid package.
 - c. Submit documents to the City necessary for publishing a bid package (e.g. construction drawings, bid schedule, specifications, measurement and payment, etc.).
 - d. Furnish an engineer's opinion of probable cost prior to bidding.
 - e. Attend review meetings with the City as necessary to complete the design and project phasing plan.
 - f. Assist the City in obtaining approvals of the final design, including providing documents and data to obtain approvals.

g. Provide electrical design for the civil-side lighting, including field lights, court lights, parking lot lights, etc., including consideration of existing power distribution, panel boards, switchgear, City preferences, equipment locations, etc.

2. Bidding & Negotiating Phase

- a. Produce and provide final documents to the City.
- b. Participate in a pre-bid meeting, answer questions, clarify expectations of the contractor, explain design rationale, etc.
- c. Answer bid phase questions related to the construction drawings or project specifications.
- d. Prepare and submit addenda to clarify requirements, scope, quality and quantity of the improvements to be completed.

3. Construction Administration Phase

- a. Participate at the pre-construction meeting, answer questions relative to expectations of the contractor, clarify drawings and specifications, etc.
- b. Attend weekly progress meetings conducted by the City.
- c. Review and consider submittals from the contractor.
- d. Issue clarifications to the drawings and specifications as required.
- e. Provide periodic site visits at a reasonable frequency or as required to answer questions, review site conditions and status of the work, review compliance of work completed with the requirements of the documents and specifications, etc.

4. SWPPP Phase

a. Provide a Storm Water Pollution Prevention Plan consistent with City standards for the proposed improvements.

5. Architectural Design Phase (Optional)

- a. Provide architectural design services for the restroom building.
- b. Provide conceptual plans and meet with the City to discuss options and amenities to be included in the buildings.
- c. Prepare architectural, mechanical, electrical, and structural drawings as required for the building to be included in bid package.
- d. Provide project specifications for the building.

PROFESSIONAL SERVICES FEES

Sunrise proposes to complete the work outlined in the Scope of Services for the following fees and fee types:

Phase	Fee	Fee Type	Comments
Engineering Design	\$76,400	Lump Sum	See Scope of Services – Includes Civil and Electrical Design
Bidding & Negotiating	\$6,000	Lump Sum Maximum Based on Hourly Rate	See Scope of Services – Budgetary Amount
Construction Administration	\$25,200	Lump Sum Maximum Based on Hourly Rate	See Scope of Services – Budgetary Amount
SWPPP	\$3,500	Lump Sum	See Scope of Services
Architectural Design (Restroom Building)	\$5,200	Lump Sum	Optional – See Scope of Services

Professional services at hourly rates or beyond those included in the Scope of Services outlined above will be completed by Sunrise at the rates and fees given in the attached Exhibit A.

ASSUMPTIONS

The following assumptions apply to the terms and conditions of this proposal:

- 1. Sunrise reserves the right to utilize architectural, electrical and survey sub-consultants, and others as may be required, to complete the Scope of Services outlined above.
- 2. The construction work will be completed in a single contract and the construction period will comprise no more than 120 calendar days.
- 3. The survey completed by R&B Surveying in 2012 as part of the Fields Phase IV Grading Plan will be used as the basis for final design and preparation of the construction drawings.
- 4. The restroom building addition will be constructed to mirror the existing restroom building with the same amenities and square footage.
- 5. The City will take the lead role during the bid and constructions phases; Sunrise will assist the City in a supportive, as-needed role.
- 6. The City will provide all landscaping and irrigation design services, including drawings, specifications, bid item tabulations, preliminary costing, etc.
- 7. The City will provide a geotechnical report as required for the proposed improvements.
- 8. Based on the most recent engineer's opinion of probable cost, the construction budget for the proposed improvements is approximately \$1.567 million dollars.

ADDITIONAL SERVICES

The City may authorize Sunrise to furnish or obtain from others additional services of the types listed below, which are not included in the basic Scope of Services and Professional Services Fees given above. If such services are authorized, commensurate additional fees shall be negotiated.

- 1. Preparation or review of environmental assessments, letters of map revision, letters of map amendment, and impact statements and work relating thereto.
- 2. Services resulting from significant changes in the scope, extent, or character of the project and its design requirements.
- 3. Revising previously accepted studies, reports, drawings, specifications, or contract documents.
- 4. Services caused by excessive reviews, indecisiveness, delays, significant obstacles to completion of the work in a timely manner, etc. beyond the control of Sunrise Engineering.
- 5. Survey or mapping services, including property surveys, property plats, property descriptions, and abstracting, other than those included in the Scope of Services.
- 6. Providing construction surveys and staking to enable Contractor to perform its work.
- 7. Assistance in connection with bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
- 8. Services required during any correction period, or with respect to monitoring the contractor's compliance with warranties and guarantees called for in the construction contract.
- 9. Preparing to serve or serving as a consultant or witness in any litigation, arbitration, or other dispute resolution process related to the project.
- 10. Other services performed or furnished by Sunrise Engineering not otherwise provided for in the Scope of Services.

If the City chooses to move forward with the project, we recommend execution of an agreement based on this proposal in a format agreeable to the City. We appreciate the opportunity to work with the City on this and other projects. Please call me at (435) 652-8450 with any questions.

Sincerely,

Joseph K. Phillips, P.E. Principal / Project Engineer

attachment

SUNRISE ENGINEERING

FEE SCHEDULE EXHIBIT A

WORK	WORK	HOURLY	WORK	WORK	HOURLY
CODE 101	CLASSIFICATION Engineer Intern (E.I.T.) I	RATE \$89	CODE 404	CLASSIFICATION CAD Drafter IV	**************************************
101	Engineer Intern (E.I.T.) II	\$99	451		
102	Engineer III	\$125	451	Training Specialist I	\$77
103	Engineer IV			Training Specialist II	\$91
	•	\$139	455	Training Specialist III	\$110
105	Engineer V	\$159	456	Training Manager	\$123
110	Principal Engineer	\$179	460	Training Director	\$154
121	Electrical Engineer Intern (E.I.T.) I	\$99	500	Funding Specialist	\$115
122	Electrical Engineer Intern (E.I.T.) II	\$109	510	Plan Reviewer	\$107
123	Electrical Engineer III	\$130	511	Building Inspector I	\$59
124	Electrical Engineer IV	\$150	512	Building Inspector II	\$82
125	Electrical Engineer V	\$165	513	Building Inspector III	\$102
126	Principal Electrical Engineer	\$185	525	Building Official	\$118
301	Engineering Tech I	\$69	604	GIS Tech	\$83
302	Engineering Tech II	\$85	611	GIS Specialist	\$93
303	Engineering Tech III	\$99	51	Administrative I	\$41
304	Engineering Tech IV	\$121	52	Administrative II	\$51
311	Electrical Tech I	\$79	53	Administrative III	\$66
312	Electrical Tech II	\$89	721	Water Rights Specialist I	\$88
313	Electrical Tech III	\$99	722	Water Rights Specialist II	\$99
314	Electrical Tech IV	\$109	723	Water Rights Specialist III	\$113
315	Electrical Tech V	\$125	930	Survey CAD Tech	\$87
351	Construction Observer I	\$59	935	One Man Survey Crew	\$119
352	Construction Observer II	\$79	940	Survey Manager	\$129
353	Construction Observer III	\$89	945	Registered Surveyor	\$142
354	Construction Observer IV	\$99	950	Principal Surveyor	\$160
401	CAD Drafter I	\$61	-	r /	4
402	CAD Drafter II	\$71			
403	CAD Drafter III	\$85			
.00	C. L. DIWING ALL	ΨΟΟ			

REIMBURSABLE EXPENSE SCHEDULE

Expense	Rate	Mark-Up
Mileage	\$0.59 per mile	N/A
Field Vehicle (on site)	\$50 per day	N/A
Per Diem Meals	\$35 per day	N/A
Troxler Nuclear Density Gauge	\$40 per day	N/A
High Density Scanner	\$150 per hour	N/A
Material Testing Lab Work	Actual Cost	15%
Outside Consultants, Aerial Photography, etc.	Actual Cost	15%
Lodging	Actual Cost	10%
Other Expenses incurred	Actual Cost	10%

Fee schedule will automatically change once per year in January, and is subject to change on other occasions.

Base 01C-2014

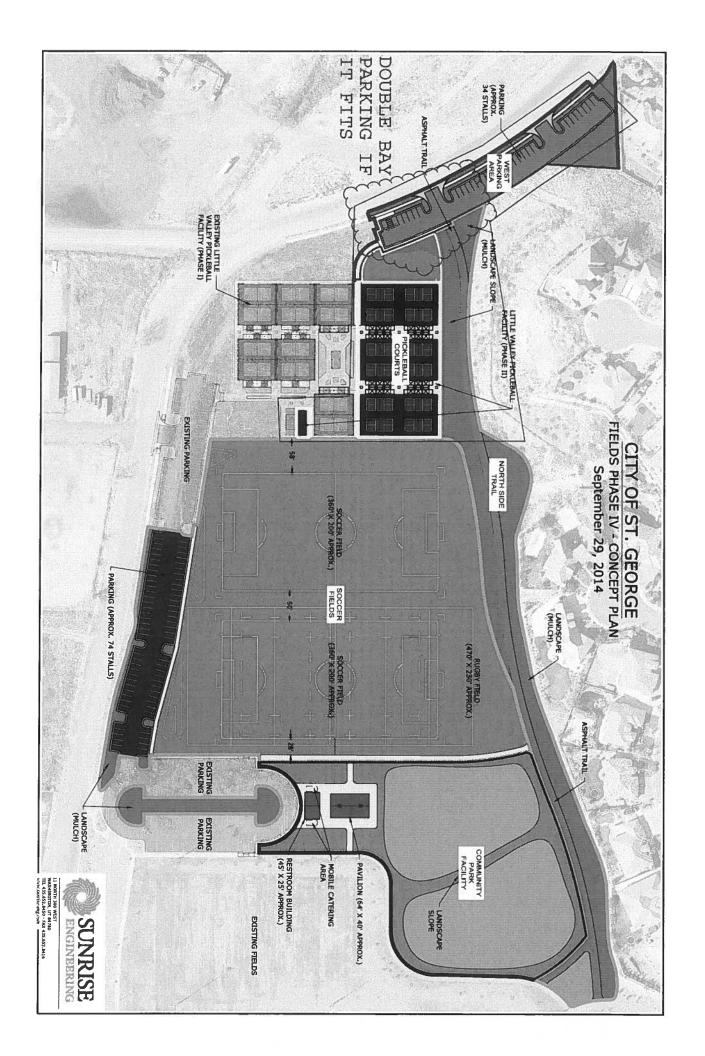
SUNRISE ENGINEERING, INC.

11 North 300 West, Washington, Utah 84780 Tel: (435) 652-8450 Fax: (435) 652-8416 Engineer's Opinion of Probable Cost*

Little Valley Pickleball Facility, Phase II St. George City February 24, 2015

NO.	DESCRIPTION	EST. QTY	UNIT		UNIT PRICE		AMOUNT
CONST	RUCTION - General					1111	
1	Mobilization	1	LS	\$	67,900.00	\$	67,900.0
2	Traffic Control & Site Security	1	LS	\$	7,200.00	\$	7,200.0
3	Construction Staking	1	LS	\$	8,250.00	\$	8,250.0
4	Erosion Control Compliance	1	LS	\$	6,150.00	\$	6,150.0
5	Project Sign	1	LS	\$	950.00	\$	950.0
6	Rough Grading	11,500	СҮ	\$	5.00	\$	57,500.0
	RUCTION - Pickleball Courts					8136	
7	Finish Grading	1	LS	\$	12,400.00	\$	12,400.0
	Site Drainage Improvements	1 12 700	LS	\$	26,000.00	\$	26,000.0
10	Standard Sidewalk w/ Base Stamped Concrete	12,500 320	SF SF	\$	4.75 7.00	\$	59,375.0
11	Bag Rack	6	EA	\$	1,975.00	\$	2,240.0 11,850.0
12	Shade Structure	24	EA	\$	4,100.00	\$	98,400.0
13	Post-Tensioned Concrete Court w/ 8ase	26,100	SF	\$	7.25	\$	189,225.0
14	Net Post Pair, Net, & Related Appurtenances	12	EA	\$	725.00	\$	8,700.0
15	Pickleball Court Surface & Striping	26,100	SF	\$	1.25	\$	32,625.0
16	12" Mow 5trip	1,196	LF	\$	8.25	\$	9,867.0
17	4' Chain Link Fence	380	LF	\$	31.75	\$	12,065.0
18	6' Chain Link Fence	800	LF	\$	41.25	\$	33,000.0
19	6' Wind Screen	405	LF	\$	9.00	\$	3,645.0
20	Irrigation System (Complete)	5,940	SF	\$	0.75	\$	4,455.0
21	Landscaping Improvements (Complete)	5,940	SF	\$	1.25	\$	7,425.0
22	Restroom Building & Appurtenances	1	LS	\$	135,000.00	\$	135,000.0
23	Electrical System Improvements	1	LS	\$	30,000.00	\$	30,000.0
24	Courts 9-12 Lighting System	1	L5	\$	119,500.00	\$	119,500.0
25 ONST	Courts 13-24 Lighting System RUCTION - West Parking	1	LS	\$	186,500.00	\$	186,500.0
26	Finish Grading	1 1	LŞ	\$	4,700.00	\$	4,700.0
27	12" Drainage Pipe	317	LF	\$	33.00	\$	10,461.0
28	30" Drainage Pipe	194	LF	\$	88.25	\$	17,120.5
29	Standard Catch Basin w/ Grate	7	EA	\$	2,100.00	\$	14,700.0
30	Standard Sidewalk w/ Base	2,250	SF	\$	4.75	\$	10,687.5
31	2.5" Bituminous Surfacing w/ Base	18,400	5F	\$	2.25	\$	41,400.0
32	2.5' Standard Curb & Gutter w/ Base	1,020	LF	\$	16.00	\$	16,320.0
33	Electrical Connection (to 5ite)	1	LS	\$	17,650.00	\$	17,650.0
34	Parking Lot Lights w/ Wiring	1	L5	\$	11,800.00	\$	11,800.0
35	6' Standard Cross Gutter w/ Base	2	EA	\$	4,500.00	\$	9,000.0
36	Modified Handicap Ramp w/ Base	4	EA	\$	1,300.00	\$	5,200.0
37	Modified Handicap Parking Ramp w/ Base	2	EA	\$	2,100.00	\$	4,200.0
38	Retaining Wall	240	SF	\$	26.00	\$	6,240.0
39 ONST	Landscape & Irrigation (Complete) RUCTION - North Side Trail Area	11,862	5F	\$	3.50	\$	41,517.0
40	Finish Grading	1 1	LS	\$	7,000.00	\$	7,000.0
41	30" Trail Drainage Pipe	400	LF	\$	88.25	\$	35,300.0
42	Misc Trail Drainage Appurtenances	1	LS	\$	4,500.00	\$	4,500.0
43	48" Cleanout Manhole	3	EA	\$	2,950.00	\$	8,850.0
44	Asphalt Trail w/ Base	5,000	SF	\$	3.50	\$	17,500.0
45	Trail Lighting	2	EA	\$	2,950.00	\$	5,900.0
	Electrical Connection (to Site)	1	LS	\$	5,000.00		5,000.0
		CONSTRUCT	ION SUBTOTAL	4		\$	1,425,268.0
			CONTINGENCY	4	10.0%	\$	142,500.0
		CONSTR	UCTION TOTAL	L		\$	1,567,768.0
	SIONAL SERVICES	/		- 33			
1	Geotechnical Investigation		0.18%	\vdash	L\$	\$	3,000.0
	Engineering Design Services		4.23%	-	LS	\$	71,900.0
3	Landscape & Irrigation Design Services		0.00%	┼-	LS	\$	
4	Architectural Design Services		0.31%	\vdash	L\$	\$	5,200.0
_	Electrical Design Services		0.27%	\vdash	LS	\$	4,500.0
7	SWPPP (Storm Water Pollution Prevention Plan) Basic 8id Phase Services		0.21%	\vdash	LS UB	\$	3,500.0
8	Basic Construction Phase Services		0.35%	\vdash	HR	\$	6,000.0 25,200.0
_	Quality Control Sampling & Testing		1.48% 0.65%	\vdash	HR EST	\$	11,000.0
q i			0.0376	1	E31		11,000.0
9	again, control sampling at resting	PROFESSIONAL S				\$	130,300.0

^{*}In providing opinions of probable construction cost, the Client understands that the Engineer has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing, and that the opinion of probable construction cost provided herein is made on the basis of the Engineer's qualifications and experience. The Engineer makes no warranty, expressed or implied, as to the accuracy of such opinions compared to bid or actual costs.



DRAFT

Agenda Item Number

Request For Council Action

Date Submitted 2015-02-23 11:18:23

> Applicant Property Reserve Inc. and Associated Foods

Quick Title Public Hearing, Zone Change, and Ord From A-20 to PD-C

Subject Consider a zone change from A-20 (Agricultural) to PD-C (Planned

> Development Commercial) on 16.95 acres to accommodate a proposed shopping center with a grocery store (Lin's Market) located at 3000 E Street and Mall Drive. The property owner is PRI (Property Reserve Inc.). The applicant is SLR (Suburban Land Reserve) and the representative(s) are Mr. Dan McKay (SLR) and Mr.

Bill Walley (Associated Foods). Case No. 2015-ZC-001.

Discussion The request is to rezone to PD-C, in order to accommodate a

Lin's Market and other commercial pads. The proposal is a PD, therefore, the City Council will be reviewing all aspects of the site, buildings, uses, and materials for the project. In addition, the applicant has submitted a Master Signage Plan for approval. The Master Signage Plan includes deviations from our current code, including two pylons and six monument signs. Other considerations include location of signs, canal improvements/dedication, and setback request. Planning Commission spend a considerable amount of time on this application. Planning Commission recommends approval with several

conditions.

\$0.00 Cost

City Manager PD commercial on Mall Drive and 3000 East. Probably the most Recommendation

debated element is signage. The applicant is proposing pole signs on

Mall Drive and 3000 East. Planning Commission recommended

approval with several conditions.

Action Taken

Requested by John Willis

File Attachments

Approved by Legal Department?

Approved in Budget?

Amount:

Additional Comments

0	RD	IN	AN	CE	N	0		

AN ORDINANCE AMENDING THE CITY ZONING MAP BY CHANGING THE ZONE FROM A-20 TO PD-C ON 16.95 ACRES

WHEREAS, the property owner has requested a zone change on16.95 acres from A-20 (Agricultural) to PD-C (Planned Development Commercial); and

WHEREAS, the City Council held a public hearing on this request on March 5, 2015; and

WHEREAS, the Planning Commission recommends approval of the requested zone change; and

WHEREAS, the City Council has determined that the requested change to the Zoning Map is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

NOW, THEREFORE, BE IT ORDAINED, by the St. George City Council, as follows:

Section 1. Repealer. Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

Section 2. Enactment. The City Zoning Map is hereby ordered to be changed to reflect the zone change from A-20 to PD-C on 16.95 acres generally located on the southwest corner of the intersection of Mall Drive and 3000 East Street and more specifically described on the attached property legal description, Exhibit "A".

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 5^{th} day of March, 2015.

Jonathan T. Pike, Mayor	
ATTEST:	
Christina Fernandez City Recorder	

Exhibit "A"

Lion's Shopping Center ZONE CHANGE LEGAL DESCRIPTION

56-5-2-34-4101

Exhibit A - PD Commercial Zone Change Legal Description

Beginning at a point being South 00°31'50" West 801.02 feet along the center section line and West 70.65 feet from the North Quarter Corner of Section 34, Township South, Range 15 West, Salt Lake Base & Meridian, and running;

thence North 88°37'39" West 569.29 feet:

thence North 38°39'21" West 126.18 feet:

thence North 88°37'39" West 566.81 feet;

thence North 00°41'17" East 561.43 feet;

thence South 88°36'17" East 988.83 feet:

thence South 83°03'03" East 237.37 feet:

thence southerly 20.00 feet along an arc of a 945.00 foot radius curve to the left (center bears South 87°39'47" East, long chord bears South 01°43'50" West 20.00 feet with a central angle of 01°12'45");

thence southerly 63.47 feet along an arc of a 290.00 foot radius curve to the right (center bears North 88°52'32" West, long chord bears South 07°23'39" West 63.34 feet with a central angle of 12°32'23");

thence southerly 36.72 feet along an arc of a 160.00 foot radius curve to the left (center bears South 76°20'09" East, long chord bears South 07°05'23" West 36.64 feet with a central angle of 13°08'56");

thence South 00°20'16" West 515.19 feet to the Point of Beginning.

Containing 738,430 square feet or 16,95 acres.

Zone Change

PLANNING COMMISSION AGENDA REPORT: 2/10/2015 CITY COUNCIL SET DATE: 2/19/2015 CITY COUNCIL MEETING: 3/5/2015

ZONE CHANGE

Lin's Market - 3000 E & Mall Dr

Case No. 2015-ZCA-001

Request: A request to rezone property from A-20 (Agriculture) to PD-C (Planned

Development Commercial) zone on 16.95 acres.

Project: A PD zone change is requested for development of a commercial retail

center with a major anchor grocery store and several shops. Future pads will be developed for restaurants and retail service orientated uses (see

written text for full description).

Reference: Recently two (2) General Plan Amendments occurred in this area.

Case No. 2014-GPA-006-A (approved by CC on 1/8/2015)

(24.4 acres changed to COM)

Case No. 2014-GPA-006-B (approved by CC on 2/5/2015)

(105.9 acres changed to MDR, PO, OS, and COM)

Owner: Property Reserve Inc.

Applicant: Suburban Land Reserve

79 S Main Street, Suite 500 Salt Lake City, Utah 84111

Representative(s):

Mr. Dan McCay	Mr. Bill Walley
Attorney / Property Manager	Associated Foods
Property Reserve Inc.	VP Construction & Maintenance
51 S Main Street, Suite 300	Market Development Inc.
Salt Lake City, Utah 84111	1850 W 2100 S
	Salt Lake City, Utah 84119
Mr. Ray Alton	Mr. Greg Mathis
Rosenberg Associates	MRW Design Associates Inc
352 E Riverside Drive, Ste A-2	251 Hilton Drive
St George, Utah 84770	St George, Utah 84770

Located at the southwest corner of the intersection of Mall Drive and

3000 East Street.

Acreage: 16.95 acres (738,434 sq. ft.)

Current Zone: A-20 (Agriculture)

2015-ZCA-001 Lin's Market Page 2 of 4

General Plan:

COM (Commercial)

Adjacent zones:

The property is immediately surrounded by vacant land. However, to the north are the St George City limits and beyond that is the City of Washington with residential neighborhoods.

Ordinance:

This project is submitted for review in compliance with Section 10-8-6 "Commercial / Manufacturing Development Standards."

Comments:

- 1. Written Text In compliance with Section 10-8-4, a written text has been provided by the applicant (see attached) which details and describes the project.
- 2. <u>Narrative</u> The applicant has provided a narrative to provide an overview to this project (see attached).
- 3. <u>Traffic Study</u> A T.I.S. (Traffic Impact Study) has been submitted by Aaron Baker, P.E., Horrocks Engineers and is available for review in the zone change case file. It's a 21 page document and is being reviewed by the City Traffic Engineers.
- 4. <u>Use List</u> A list of proposed commercial uses has been provided for council review and approval (see attached).
- 5. <u>Canal</u> Located along the south side of Mall Drive and on the north side of this proposed development is an existing canal. The Washington County Flood Control Authority and the City of St. George are constructing a drainage channel/parkway to replace the existing canal.
- 6. Roadway Mall Drive roadway improvements The developer will be responsible for installing full roadway improvements along the south half of Mall Drive to comply with the City's Master Road Plan's ultimate R.O.W. (right of way).
- Roadway 3000 East Street roadway improvements The developer will be responsible for installing full roadway improvements on the west half of 3000 East Street to comply with the City's Master Road Plan's ultimate R.O.W. (right of way).
- 8. <u>Trail</u> A trail is proposed along Mall Drive. It will be located to the south side of the canal to allow for a safer distance from the roadway (see site plan). This is part of the canal project.
- 9. <u>Design</u> Building elevations, colors, and materials have been provided for the council's review and discussion.

- 10. <u>SPR</u> A SPR (Site Plan Review) application shall be submitted and approved by staff. This is the civil engineering plan set.
- 11. <u>Subdivision</u> This project will require the submittal of a Preliminary Plat and Final Plat.
- 12. <u>Traffic Signal</u> A traffic signal is under design and planned for the intersection of Mall Drive and 3000 East Street. The signal will be installed upon completion of Mall Drive and 3000 East widening
- 13. <u>Setbacks</u> It is proposed that the drainage channel and landscaped trail will be utilized for setbacks, as well as landscaping requirements. The City Council will need to consider a development agreement, which will outline those requests.
- 14. Parking The City's standard for parking (Section 10-19-5) requires a minimum of one parking space per each 250 gross sq. ft. (1:250). This equates to 4 spaces per 1,000 sq. ft. A data box explaining parking will be required on the site plan. Also, restaurants and food services require a minimum of one space per each 100 gross sq. ft. (1:100). This project proposes a ratio of 5 spaces per 1,000 sq. ft. which meets and exceeds the minimum requirement. Unseen on the site plan is the future parking which will be proposed to make each outlying pad self sufficient for parking.

(Note: Each pad as developed will be responsible for providing on-site parking spaces with each future development).

15. <u>Master Signage Plan</u> – The applicant has requested that with this PD a Master Signage Plan for the commercial center be considered and approved (see attached).

(Note: at the PC meeting, the developer agreed to lower the 3000 East pole sign from the requested 40 ft to 30 ft if the City would allow a pole sign on that street).

- 16. <u>Irrigation</u> Existing irrigation will be required to be conveyed through the site to downstream existing users.
- 17. <u>Drainage</u> Existing drainage along 3000 East will be conveyed to Mall Drive along 3000 East or West to the westerly property line along existing drainage path, according to the drainage study and plan.
- 18. <u>C.O.</u> It is proposed that no C.O. (Certificate of Occupation) shall be approved until all improvements are installed per approved development's civil and construction plans.

2015-ZCA-001 Lin's Market Page 4 of 4

- 19. Future Pad development The future development of areas identified on the site plan as Pad A (3), Pad B (1), Pad C (6), Pad D (7), Pad E (8), 5, and 9 will require the submittal of a ZCA (Zone Change Amendment) application to allow the PC and CC an opportunity to review projects.
- 20. <u>Phasing</u> The overall site plan shows this project in three phases (see overall site plan).

The Planning Commission recommends approval with conditions.

Commissioner Nathan Fisher made a motion to recommend approval of Planning Commission agenda item 3B as presented conditioned on the requirement that all future pads (1, 6, 7, 8, 9 and 3) come back as zone change amendments, also upon legal review and approval of the development agreement, and also conditioned on the developer financing the improvement of the second access on Mall Drive closer to the intersection of Mall Drive and 3000 East with the caution and condition that if a development agreement not be reached the developer is required to develop pursuant to current ordinances accept and so far as the signage as presented here with the adjustment of the pylon on 3000 East as a 30' sign rather than a 40' sign.

SECONDED: Commissioner Julie Hullinger seconded the motion

AYES (6)

Commissioner Ro Wilkinson Commissioner Don Buehner Chair Ross Taylor Commissioner Nathan Fisher Commissioner Julie Hullinger Commissioner Todd Staheli

NAYS (0)

Motion carries.

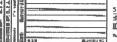
P.C.:

P.C. Motion:







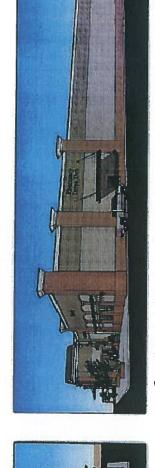






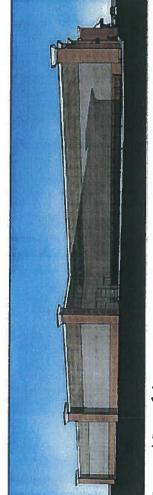


Front (North)



Right (West)

(East)



Rear (South)





FRESH MARKET

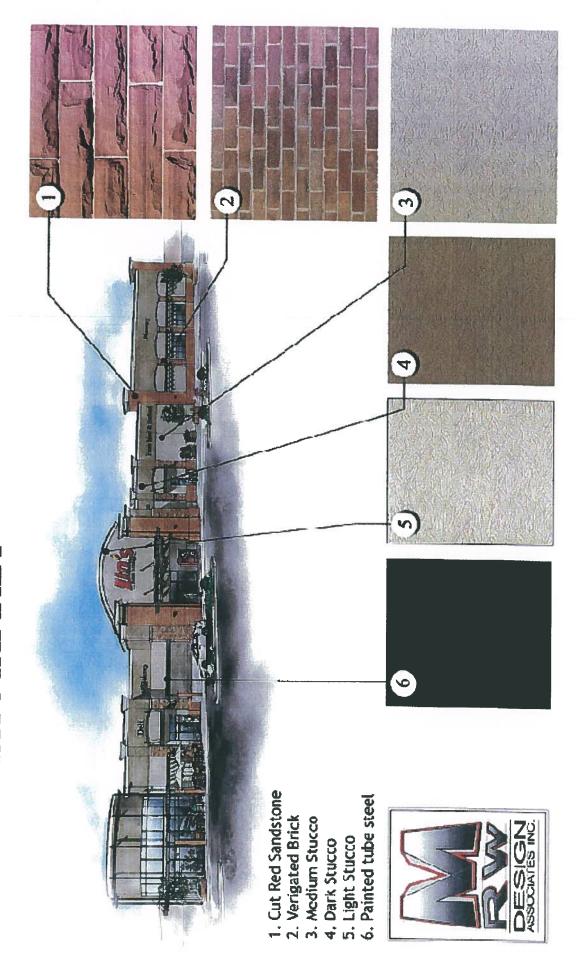
St. George Retail Scale 1" = 50' 7 Jan, 2015 3000 East and Mall Drive St. George, Utah 0008 Pad A 3 Drive Rotali B Pad C Mail Rotall E Rotall D Retail C Drainage Channel Pad E 9







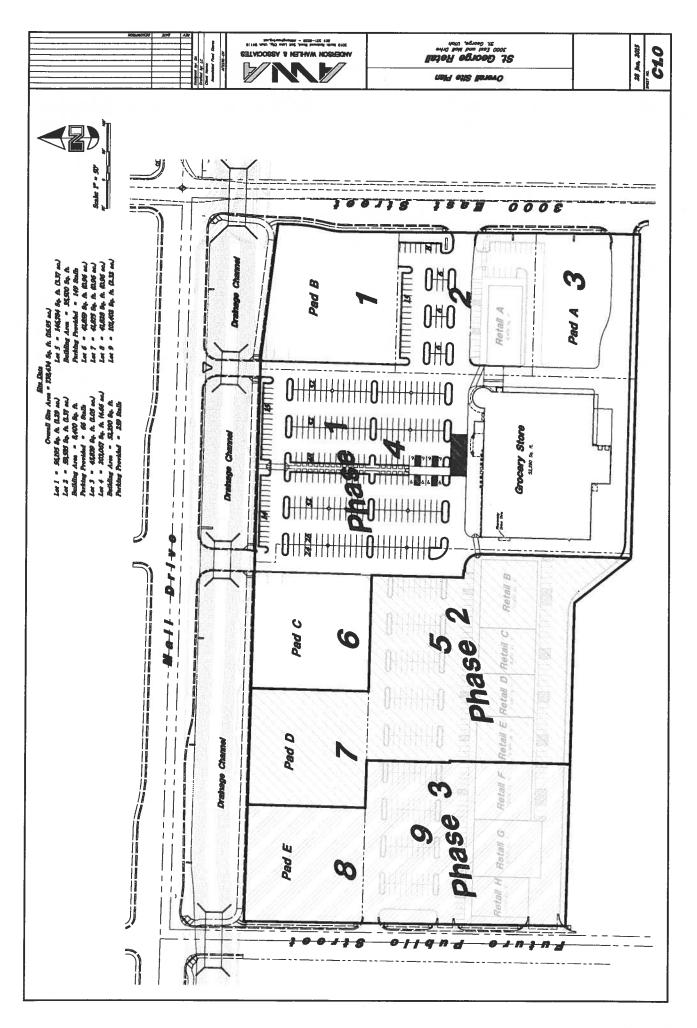
LIN'S FRESH MARKET





-19

27



Site Data

Overall Site Area = 738,434 Sq. ft. (16.95 ac.)

Lot 1 = 56,195 Sq. ft. (1.29 ac.)

Lot 2 = 59,585 Sq. ft. (1.37 ac.)

Building Area = 8,400 Sq. ft.

Parking Provided = 66 Stalls

Lot 3 = 45,839 Sq. ft. (1.05 ac.)

Lot 4 = 203,067 Sq. ft. (4.66 ac.)

Building Area = 52,290 Sq. ft.

Parking Provided = 259 Stalls

Lot 5 = 146,784 Sq. ft. (3.37 ac.) Building Area = 35,500 Sq. ft.

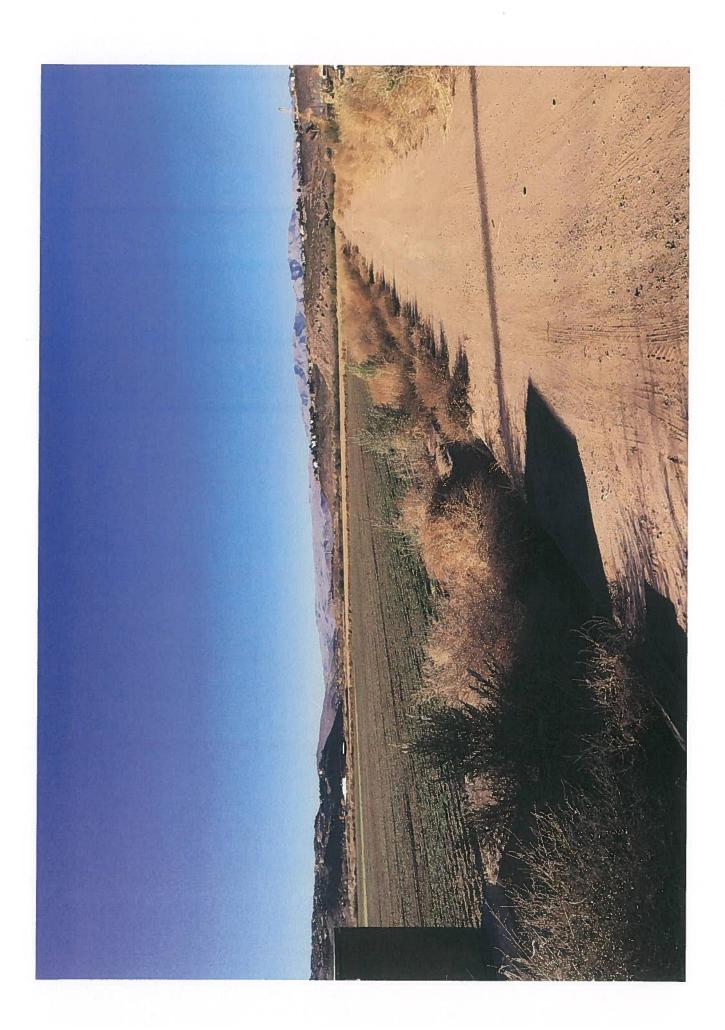
Parking Provided = 149 Stalls

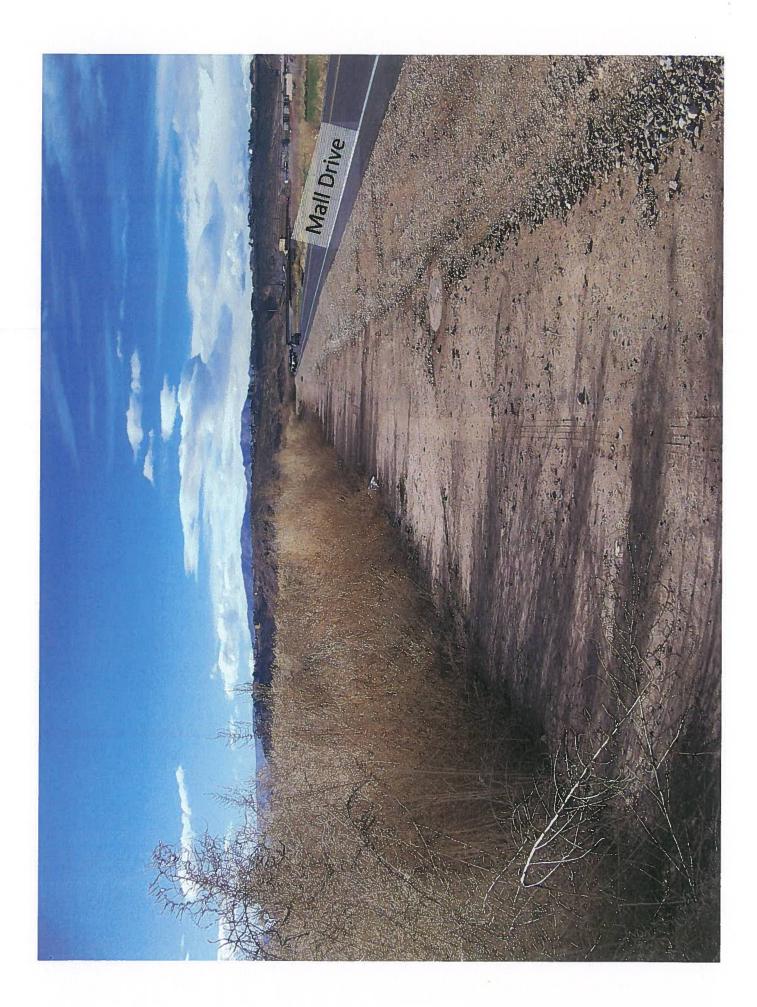
Lot 6 = 41,859 Sq. ft. (0.96 ac.)

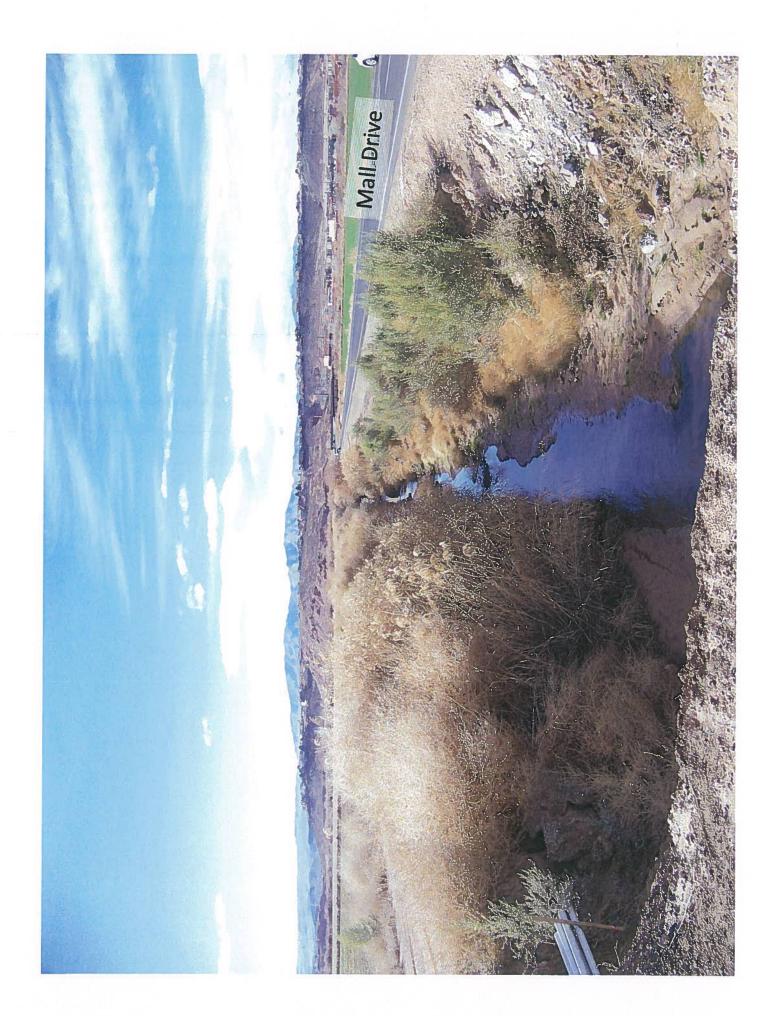
Lot 7 = 41,875 Sq. ft. (0.96 ac.)

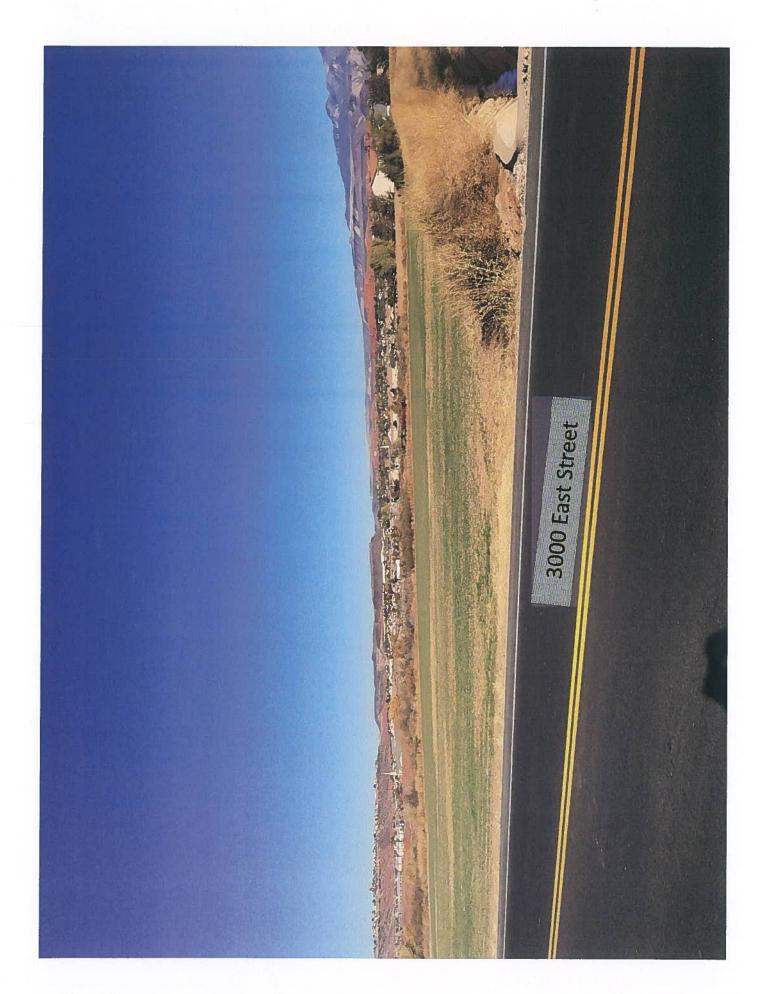
Lot 8 = 41,828 Sq. ft. (0.96 ac.)

Lot 9 = 101,402 Sq. ft. (2.32 ac.)









Narrative

3000 East and Mall Drive Shopping Center Narrative of Development

SLR (Suburban Land Reserve) has teamed up with one of Southern Utah's favorite local independent grocery retailers, Lin's, to develop a new shopping center. Lin's has been serving the St. George community for over 60 years, founded by the Lin and Reva Orton Family.

ti - 1000a

We are proposing a commercial retail development on the southwest corner of the intersection of 3000 East and Mall Drive in St. George, consisting of 16.95 acres. We are asking for a PD-Commercial zone. The development will be anchored by a Lin's, with a building size of approximately 52,000 square feet. Lin's will offer a full service grocer experience with an emphasis on "Fresh" and "Perishables", and will include consumer offerings such as a Butcher Block, Produce, Delicatessen, in-store sit-down Dairy Queen, Bakery, a pharmacyand Wellness Center featuring convenient drop-off and drive-in pick-up, and anin-store Financial Institution.

The grocery store will have a maximum height of 35 feet at the entrance. Most of the parapet walls surrounding the store will vary from 24 feet to the maximum height. Lin's will also provide on-line shopping opportunities with a drive up pharmacy as well as a potential drive up fast food option. The goal is to provide the residents of St. George and Washington Fields/Little Valley with a complete shopping experience close to home.

In addition to Lin's on Lot 4, there will be approximately 75,000 square feet of commercial retail space constructed over three phases. These additional buildings will range in size, with theindividual outparcel pads(Lots 1, 3, 6, 7, and 8) having an approximate building size between 3,500 to 10,000 square feet, and the in-line retail midsize box buildings having a size between8,000 to 25,000 (Lots 5 & 9) depending on demand, and with the smaller in-line retail shop building of approximately 8,400 square feet (Lot 2) partitioned off in 1,200 square foot increments. With these uses we will be able to accommodate businesses such as: Full Service Banking, Restaurants, Department Stores, Beauty Salons, Fast Food, etc. The development will provide an opportunity for local businesses, as well as national tenants, to locate within the community of St. George nestled in Washington Fields.

Regarding design and materials, the development will be first class with an emphasis in architecture on what has made St. George such a coveted place to do business. We are modeling the motif of our design after many of the historic facilities in town as well as the freshly created downtown park area, while mixing in some modern components to give us additional appeal. We want our development to be a gathering place where friends and families can meet to socialize while fulfilling their shopping needs.



3000 East & Mall Drive Shopping Center

PLANNED DEVELOPMENT TEXT

FRIDAY, JANUARY 30th, 2015

PD WRITTEN TEXT

In compliance with Section 10-8-4 of the Zoning Ordinance, the City of St George requires a written text to be submitted with a PD-C (Planned Development Commercial) zone change application. The following is the written text for the 3000 East & Mall Drive Shopping Center project:

A. Use Of Land: The projected use of land, including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.:

The proposed development project consists of a new 738,434 sq. ft. (16.95 acre) commercial retail center located at 3000 East and Mall Drive in St. George. The project shall provide over 125,000 sq. ft. of shopping, dining, and service retail for the St. George area. It shall house a major anchor grocery store along with several shops of various sizes and uses (refer to Exhibit A for the summary of potential uses). Five pads are proposed for restaurant and retail service-oriented uses with provided parking on each respective pad. There shall be over 125,000 sq. ft. of building coverage with an estimated parking rate of 5 spaces per 1000 sq. ft. (a data box breakdown is provided on the Site Plan Exhibit C). Parking areas and access shall meet the requirements of the City of St. George Zoning Code. Landscaping will be provided per the St. George City Code requirements. Due to the existing 80' feet wide drainage channel along Mall Drive, it's proposed that the front yard setback for this development shall be 5' wide.

Lots not fronting on a street must be accessible to the public via a recorded easement or right of way.

B. Height and Elevations: The text shall indicate the type, character and proposed height of all buildings. The plot plan, elevations and perspective drawings may be prepared as necessary by the applicant to help the planning commission and city council to better understand the proposal.

Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with Site Plan review. All building materials shall be high quality, durable and low maintenance. The exteriors of buildings shall be properly maintained by the owners.

The exterior finishes shall consist of stucco or EIFS finishes, CMU block, brick, and stone in earth-tone colors/finishes, to cohesively complement the other buildings within the development. Masonry or stone materials shall be provided for a minimum of 20% of the front building façade area, excluding the window and door areas. Both painted and prefinished metal materials shall be used to accent the buildings' elevations. Exposed aluminum, zinc coatings, and galvanized materials shall not be allowed as features on the exterior elevations.

Shading techniques shall be encouraged at the storefront areas, to provide a comfortable pedestrian environment within the development. Storefronts or windows shall be provided as a minimum of 15% of the front building facades. Storefront frame materials shall consist of pre-finished manufacturer colors or clear or anodized aluminum.

The side and rear elevations shall provide color variations and patterns to be consistent with the front elevations, although additional pop-out elements or other features are not required. Storefront or other windows are not required to be provided on the side and rear elevations of the buildings. Any utility doors, overhead doors, and ventilation grilles shall be painted to match the adjacent finished surfaces.

Grocery store minimum height to the parapet shall be approximately 20'-0", and the maximum parapet heights shall be 35'-0", as measured from the finished floor elevation at the main building entrance. Retail Shops A, B, C, D and E shall be a maximum of 34'-0" high and the outlying pads shall be a maximum of 28'-0" high (as measured from the finished floor elevation to top of the parapet). Preliminary elevations and colored renderings of the Grocery store and all inline Shops both east and west of the Grocery Store have been provided under Exhibits D.

The future pads, inclusive of Pad A, B, C, D & E (as shown on the attached site plan), will require the submission of a zone change amendment.

C. Density: The density in terms of dwelling units per gross acre of land shall be indicated.

N/A

<u>D. Schools, Churches And Open Spaces:</u> The location of any proposed school sites, churches, parks or other common or open spaces shall be identified.

N/A

E. Phasing Plan: A phasing plan, if the development is proposed to be developed in phases, shall be submitted.

The proposed development project shall be completed in three separate phases. The major grocery store (Lot 4) as well as the Pad development for Lots 1, 3, and 6 shall be completed under Phase 1. Lots 5 and 7 shall be developed under Phase 2. Phase 3 shall consist of Lots 2, 8, and 9.

F. Topography: Topography at contour intervals of two feet (2') shall be submitted unless waived by the planning staff.

The project site has minimal grade change and slopes toward the south, but complete topographical information shall be provided on the Civil Plans.

G. Landscape Plan: A landscape plan showing the general location of lawn area and trees shall be submitted (this may be a part of the site or plot plan).

All landscaping shall comply with the City of St. George Zoning Ordinance, Title 10, Chapter 25. A Site Plan showing the landscaped areas has been provided as Exhibit C.

<u>H. Area Reserved For Landscaping:</u> The amount of land area reserved for landscaping shall be indicated.

Per the City of St. George Zoning Ordinance Title 10, Chapter 25, at least 5% of the parking lot area shall be improved and maintained with landscaping. At least half of that landscaped area shall be in the form of live trees, shrubs or ground cover. An average of 15' wide landscaped strip within the private lot area shall be installed and maintained along street frontages. The required setback with landscape along Mall Drive shall be 5' wide, in addition to the City's drainage channel which separates Mall Drive and the development. The City currently shows a 75' wide drainage channel. A preliminary Site Plan has been provided as Exhibit C.

<u>Utilities:</u> All utilities shall be underground unless otherwise approved by the city council and upon recommendation of the water and power director. Transformer equipment shall be screened from streets and from adjacent properties.

Plans for utilities shall be submitted to the City of St. George for review and approval.

<u>J. Refuse Storage Areas:</u> Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets, freeways and adjacent properties.

Sufficient and code-compliant refuse enclosures shall be provided and approved by the City of St. George Public Works Department. There shall be no open storage of trash, debris, used, wrecked or neglected materials, equipment or vehicles.

K. Lighting Plan: The plans submitted shall include a general lighting plan indicating location of lights to be installed on the site.

A photometric plan shall accompany the Civil Plans as a part of the Site Plan Review application. Full electrical plans shall be submitted to the City of St. George for review and approval.

L. Turning Space: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, firefighting equipment, etc., at the end of private drives and dead end streets. (1998 Document § 17-4; amd. 2003 Code)

Traffic Circulation Plans shall be provided as a part of the Site Plan Review application, with required approval from the City of St. George. The development shall provide adequate maneuvering for vehicles per the City of St. George Municipal Code. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored on the property for longer than 72 hours except in conjunction with an approved use, or approved development or construction activities on the property.

M. Signs: Overall sign program if proposed signage differs from what is allowed as outlined in the sign ordinance set forth in title 9, chapter 13 of this code. (Ord. 1-3-2000, 1-20-2000)

All signage in the proposed development shall comply with the 3000 East & Mall Drive Shopping Center Master Sign Plan (see attached Exhibits B and E). Developer agrees that there shall be two landmark signs installed with the project that emphasizes development name (3000 East & Mall Drive Shopping Center) over tenant names, as shown in the Sign Plan.

Use List

EXHIBIT A - USES

PERMITTED USES

Apparel, footwear, sewing supplies retailing.

Auto and equipment parts retailing (no service).

Automotive services, including lube, tune up, wash, inspection, tires, mufflers, minor repairs.

Banks, credit unions, financial institutions, freestanding banking kiosks.

Beauty and fitness centers.

Books, videos, media, copies, photography, art and drafting supplies, office supplies, stationery retail.

Daycare center facility.

Department, discount and food stores.

Drive-through facilities for allowed uses.

Educational and training activities.

Electronic vending machines.

Equipment and appliance light repairs and service enclosed within a building.

Fast food with no eating accommodations.

Furniture, electronics, appliances and home furnishings retailing.

Gas stations, convenience stores.

Hardware and home improvement retailing.

Health, beauty and medical products retailing; prescription drugs retailing.

Hobbies and crafts retailing.

Household goods retailing.

Laundry.

Lumber, building materials and landscaping retail sales yards.

Medical, health or dental services.

Miscellaneous retail sales.

Mortuary, funeral home.

Office service.

Pharmacy.

Preschool center facility.

Public or quasi-public facilities.

Religious activities.

Restaurants and eating establishments.

Secondhand goods retailing.

Shopping centers and malls with only allowed uses.

Sporting goods, toy retailing.

Theaters, amusement, recreational activities.

Title loan, check cashing or other similar deferred deposit loan businesses no closer than one mile from a similar business.

Traffic Study

To:

Wes Jenkins

Development Services Director

From:

Aron Baker, P.E.

Date:

January 28, 2015

HORROCKS
ENGINEERS

MEMORANDUM

Subject: Amendment to Associated Foods Traffic Impact Study

To address a couple of questions with regard to my Traffic Impact Study dated January 7, 2015, I would like to suggest a couple of changes. One is in regard to the delivery access on 3000 East, and the other regards scheduling when a traffic signal is recommended at the public street which the TIS labels as Access #1.

Delivery Access on 3000 East:

I submitted a recommendation to require the delivery access on 3000 East to be configured for right-in/right-out movements. This was done to strictly comply with the access guideline as the driveway spacing did not meet the minimum spacing standard for typical business accesses.

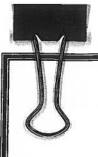
Upon further analysis of the proposed site, I have looked at this truck entry point less as a typical business access and more of a necessary element for a grocery store and other merchants for shipping, loading, and unloading. There is not an expectation that this access will be used by the general public so minimum standards would not necessarily be applied in this instance. Since the guideline does not explicitly address delivery accesses, engineering judgment would suggest that this is a low-volume entry point, experiencing at most a trip an hour, with no traffic queues or other interference with the adjacent driveway so the acceptable spacing would be less than the minimum spacing for a general traffic driveway. Therefore, I would like to amend Recommendation #3 in my January 7, 2015, report to read:

2) Post a sign at the delivery access on 3000 East to inform the public that the driveway is for deliveries only, to prevent patrons from routinely using this driveway.

Schedule of Access #1 Signal:

In the TIS, since a signal is warranted for estimated Phase II traffic, it recommends that a traffic signal be installed after Phase II of the project is completed, which is assumed to be 2016. Phase II may not be completed until after 2016. Since this roadway will provide access to neighboring development that may warrant a signal earlier, the signal may need to be installed by those whose need it addresses. In other words, it will be necessary for the City to monitor the time when the signal is warranted and to address who will be responsible for a share of the payment of its design and installation at that time.

Thank you.

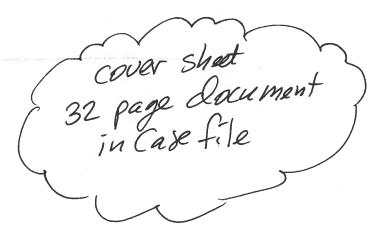


ASSOCIATED FOODS SHOPPING CENTER

TRAFFIC IMPACT STUDY

ST. GEORGE, UTAH

January 7, 2015



HORROCKS
ENGINEERS

Ray Snyder

From:

Monty Thurber

Sent:

Monday, February 02, 2015 10:40 AM

To:

Ray Snyder

Subject:

FW: Associated Food TIS Review and Recomendations.

Here are mine and Wes's comments we both agreed on the recommendations included in the T.I.S. Monty

From: Monty Thurber

Sent: Monday, February 02, 2015 9:13 AM

To: John Willis Cc: Wes Jenkins

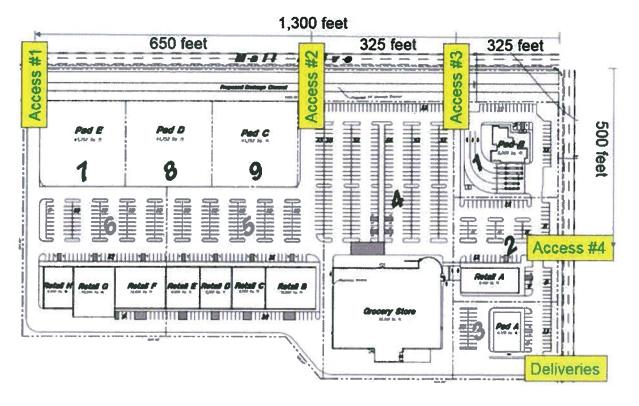
Subject: Associated Food TIS Review and Recomendations.

John.

Wes and I had a chance to review the TIS for the Associated Foods store on 3000 East and Mall Drive.

Here is a copy of the access of the site. In the document the project is developed into two phases, Phase I being only the grocery store. Phase II will include the rest of the development.

Wes and I agreed on the recommendations and have no further discussing regarding them. Here is some information for you to review as you prepare to deliver to the Planning Commission and City Council.



"CONCLUSIONS AND RECOMMENDATIONS

The proposed Associated Foods Shopping Center is a project expected to generate an average of 12,690 new trips per weekday upon full build-out in 2016. The new trips will increase delay on the

existing roadway network. It has been shown that the impact can be mitigated to preserve an acceptable LOS.

The intersection of Mall Drive & 3000 East is currently experiencing high levels of congestion so the City is currently scheduled to design and install a traffic signal at this location.

We recommend the following conditions of approval for the project to maintain an acceptable Level of Service on the existing transportation system:

Phase I:

- 1) The site designer should take care in designing the parking lot so conflicts with parking maneuvers do not impact waiting cars at the accesses.
- 2) Plan to have the delivery access on 3000 East configured for a right-in/right-out to prevent patrons from routinely using this driveway.
- 3) When designing frontage improvements along Mall Drive and 3000 East, design for and install right-turn deceleration lanes into Access #1, Access #2, Access #3 and Access #4 since they are all located on arterial streets and they will likely experience more than 10 vehicles per hour turning right.
- 4) Plan for and install a right-turn deceleration lane for eastbound right turns from Mall Drive to 3000 East, the intersection of two arterial streets. Therefore, in the future, this approach will then have 1 left turn lane, 2 through lanes, and 1 right turn lane in the future.
- 5) Configure Access #3 as a right-in/right-out due to the proximity of Access #2 and the major intersection of Mall Drive & 3000 East.
- 6) Work with the City to install an all-way stop-controlled intersection at 3000 East & 1450 South unless the City determines that a traffic signal or roundabout will be placed at this location at that time.

Phase II:

7) Install a traffic signal at Access #1 to allow safer left turns out of the development to ease the long waits that could occur at Access #2 and #4. Monitor left turns at these accesses to maintain safe operation."

Monty Thurber, Engineering Associate City of St. George P: 435.627.4060

C: 435.703.1123

E: monty.thurber@sgcity.org

Master Signage Plan

Master Sign Plan

Applicant Request	Current City Code Major Commercial Streets	Current City Code Non-Major Commercial Streets
*Freestanding Signs	Freestanding Signs	Freestanding Signs
(Sign separation will vary)	(Signs must be separated by at least 100')	7,1000,111,111,111,111,111
**Number: Two (2) pylon signs	Number: Two (2) pylon signs	Number: Zero (0) pylon signs
Height: 40'	Height: 30'	
Size: 400 s.f.	Size: 200 s.f. if multiple signs 300 s.f. if one pylon	
Pylon signs will be the same	Subsequent pylon signs must be	
height/size	70% the height of the first	
Number: Six (6) monuments	Number: One (1) monument	Number: Four (4) monuments
Height: 15'	Height: 15'	Height: 15'
Size: 120 s.f.	Size: 120 s.f.	Size: 120 s.f.
Wall Signs	Wall Signs	Wall Signs
Major Tenants	Major Tenants	Major Tenants
Front Façade – 20%	Front Façade – 20%	Front Façade — 20%
Side Façade – 10%	Side Façade – 10%	Side Façade – 10%
Rear Façade – 10%	Rear Façade – 10%	Rear Façade – 10%
Minor Tenants	Minor Tenants	Minor Tenants
Front Façade – 20%	Front Façade – 20%	Front Façade – 20%
Side Façade – 10%	Side Façade – 10%	Side Façade – 10%
Rear Façade – 10%	Rear Façade – 10%	Rear Façade – 10%
Pad Tenants	Pad Tenants	Pad Tenants
Front Façade – 20%	Front Façade – 20%	Front Façade – 20%
Side Façade – 20%	Side Façade – 10%	Side Façade – 10%
Rear Façade – 20%	Rear Façade – 10%	Rear Façade – 10%
Shops & Inline Tenants	Shops & Inline Tenants	Shops & Inline Tenants
Front Façade – 20%	Front Façade – 20%	Front Façade – 20%
Side Façade – 10%	Side Façade – 10%	Side Façade – 10%
Rear Façade – 10%	Rear Façade – 10%	Rear Façade – 10%

The proposed development is on a "Non-Major Commercial Street"

Freestanding sign sizes are determined by linear footage

^{*}The proposed freestanding signs will be located in an easement per the development agreement

^{**}There are two (2) options for the pylon signs to be addressed by the Planning Commission

MUCTI-TENANT PYLON MONUMENT

NTERNALLY ILLUMINATED D/S PYLON SIGN

Qty 2 Internally Illuminated Double Sided Pylon Signs A: Front Illuminated Channel Letters w. Push Thru Subtext

Faces: 3/16" Acryllte Red Acryllc Faces Trimcap: 1" Jewellte Black Trimcap

Returns: .040 Aluminum Returns in Alliance Metals Raven Black

Lighting: White LED illumination Fresh Market Lettering to be 1/2" White Acrylic Push Thru Letters

B: Full Color LED Readerboard Displays - 16mm (80x240)
C: Tenant Area - Internally Illuminated D/S Tenant Cabinet Signage
D: Column Pylon to Match Bullding Brick (tbd)
E. Sign Base to Match Bullding Stone (tbd)
"Exact Fabrication Materials and Specifications to be Determined



Frame Steel Angle

Pole Sign



Junction Box

Wireway Cover

1 18AM CAP WITH RETAINING SCREW
2. PREFE NATION SET ALLOHARDING AGAIN ALLOHARDING AGAIN ACCOUNTS
5. 10 of all transfers of accounts
6. ASTRANSFORMER
7. SASTRANSFORMER
7. SASTRANSFORMER

Scale: 3/16" = 1'-0" (11" x 17" Page Size)



A INTERNATIONAL SIGN ASSOCIATION UFIA CURMA

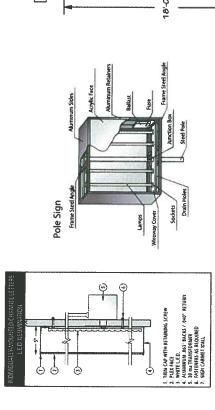
INTERNALLY ILLUMINATED D/S PYLON SIGN

Qhy 2 Internally Illuminated Double Sided Pylon Signs A: Front Illuminated Channel Letters w. Push Thru Subtext Faces: 3/16" Acrylite Red Acrylic Faces Trimcap: 1" Jewelite Black Trimcap

Retums: .040 Alumihum Retums in Alliance Metals Raven Błack Lighting: White LED Illumination

Fresh Market Lettering to be 1/2" White Acrylic Push Thru Letters

B: Full Color LED Readerboard Displays - 16mm (80x240)
C: Tenant Area - Channel Lettering / Infernally Illuminated Option
D: Column Pylon to March Building Brick (tbd.)
E. Sign Base to March Building Stone (tbd.)
Exact Fabrication Materials and Specifications to be Determined



OPTION 02 - INTERNALLY ILLUMINATED D/S PYLON SIGN

Scale: 3/16" = 1'-0" (11" x 17" Page Size)

IG GROUP SIGN & CONSTRUCTION IS A CONTRACTOR WITH THE STATE OF UTAH - CONTRACTOR UCENSE 7922666-5501 B100 AND 5440 + WORKS COMPENSATION #2618676 + \$2,000,000 LIABILITY INSURANCE - ORAWING IS REPRESENTATIONAL ONLY: SCALE, SIZING AND COLOR MAY VARY REFER TO PROPOSAL FOR EXACT SPECS. DESIGNER DESIGN # SGR SF PS 006-15 SALES PERSON Al Latimer 01/30/15 DATE St George Retail 3000 East Mall Drive St. George, Utah 84790 INSTALL ADDRESS: SIGN & CONSTRUCTION





DATE

SALESPERSON SIGNATURE REQUIRED FOR PRODUCTION

801.558.6420





3000 East & Mall Drive Shopping Center

PYLON AND MONUMENT SIGN CRITERIA

Purpose and Intent. It is determined to be in the best interest of the health, safety and welfare of the citizens of the city to regulate advertising in order to eliminate potential hazards to motorists and pedestrians; encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy; encourage sign legibility through the elimination of excessive and confusing sign displays, thus reducing driver inattention; preserve and improve the appearance of the city as a place in which to live and to work and create an attraction to nonresidents to come to visit or trade; allow each individual business to clearly identify itself and the goods and services which they offer; safeguard and enhance property values; protect public and private investment in buildings and open space; and supplement other regulations of the city. In interpreting and applying the provisions of this chapter, the sign requirements contained herein are declared to be the maximum allowable for the purpose set forth. Where this chapter imposes a greater restriction upon signs and the location thereof, or requires or imposes conditions other than those required or imposed by laws, ordinances or restrictions, the provisions of this chapter shall control.

A. GENERAL DESIGN STANDARDS

- 1. Signs Not To Constitute Traffic Hazard: No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop", "drive in", "danger" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic. In general, no sign shall be placed within a triangular area with legs thirty feet (30') in length measured along the property lines at a corner.
- 2. Maintenance: Every sign shall be kept in good condition as to maintenance and repair, including the replacement of defective parts, repainting and cleaning. The ground space within a radius of ten feet (10') from the base of any ground sign shall be kept free and clear of all weeds, rubbish and inflammable material.
- 3. Sign Removal: Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued, and shall thereafter be considered to be abandoned.
- 4. Moving To New Location: No sign erected before the adoption of this chapter shall be moved to a new location on the lot or building, or enlarged, or replaced, unless it be made to comply with provisions of the St. George City Code.
- 5. Lights and Lighted Signs In any zone, no spotlight, floodlight or lighted sign shall be installed in any way which will permit the rays of such sign light to penetrate beyond the property on which such light or lighted sign is located in such a manner as to constitute a nuisance. Such signs alleged to be a nuisance by the neighboring property owners or tenants shall be subject to a public hearing before the city council as to the validity of the nuisance complaint. If such sign is determined to be a nuisance by the city council, the owner of said sign shall be required to take the appropriate corrective action as directed by the city council or be subject to prosecution under the city nuisance ordinance. Pylon and monument signs may be internally or externally lit in commercial zones. All external lighting shall be directed away from any adjacent residential uses and public rights-of-way.
- 6. Planned Development Layout Location Signs: The purpose of the layout sign is to aid emergency personnel and visitors to quickly and efficiently locate a particular unit. For

planned developments with a common address for multiple units there shall be a permanent sign located at all entrances to the project which:

- a. Identifies the development;
- b. Clearly shows the project address;
- c. Clearly shows the layout of streets and the units with their individual identification number or letter;
- d. The sign must be oriented to the view of the reader;
- e. Shall be incorporated into a landscape feature or design scheme;
- f. The sign may be illuminated, but the source of the illumination shall not be visible; and
- g. The sign shall be placed such that persons in vehicles who are stopped to read the sign will not create a safety hazard
- 7. Number: Two freestanding pylon signs have been proposed for this development property. The proposed two pylon signs are separated by at least one hundred feet (100'). Pylon signs shall be located near the shopping center ingress/egress drives as shown on the accompanying site plan. A monument sign shall be provided for each pad.
- 8. Area: Multi-tenant signs may have three (3) square feet of sign area per linear foot of street frontage up to four hundred (400) square feet maximum. A single multi-tenant sign specifically for the pad, up to 1 ½ square feet for every one linear foot of land frontage, may be allowed up to one hundred twenty (120) square feet.
- 9. Height: The height of each pylon sign is 40'-0" maximum and shall be measured from nearest curb grade adjacent to the support pole. The height of the monument sign for each pad shall be 15'-0" maximum.
- 10. Design: Monument signs shall be designed with colors and architecture that are compatible with the buildings which they identify. Supports shall have architectural coverings and design which complement the overall design scheme.
- 11. Construction: All permanent sign faces shall be constructed of permanent materials including, but not limited to, painted and/or sandblasted wood, ceramic tile, masonry, metal, brick, stucco, EIFS, stone, or other compatible, durable and waterproof material. No material more combustible than treated wood shall be used in the construction of any permanent sign.
- 12. Landscaping near the base of any monument signs shall be in accordance with the St. George City Code and as shown on the approved site plan drawings for the project.

BUILDING SIGN CRITERIA

The purpose of this Master Signage Plan is to create a graphic environment that is individual and distinctive in identity for the merchant and also compatible with other signs within the Property. The total concept should give an impression of quality and professionalism, as well as, instill a good business image.

The following specifications shall be used for the design of all signage within the Property; however, in all cases, final written approval by Owner is required prior to manufacturing and installation of all signs.

For purposes of this Master Signage Plan, any reference herein to "Owner" shall also include all tenants, subtenants, licensees and other occupants of Owner's Parcel.

PROCEDURE:

All signage drawing proposals will be submitted in three (3) copies to Owner for written approval, prior to application for sign permit from the City of St. George.

NOTICE:

WRITTEN APPROVAL AND CONFORMANCE WITH THE REQUIREMENTS SET FORTH HEREIN DOES NOT IMPLY CONFORMANCE WITH APPLICABLE LAWS, CODES, RULES, AND REGULATIONS PROMULGATED BY THE CITY OF ST. GEORGE OR ANY OTHER APPLICABLE GOVERNMENTAL AGENCY OR BODY (COLLECTIVELY, THE "LAWS"). ALL SIGNAGE LOCATED WITHIN THE PROPERTY SHALL BE APPROVED IN WRITING BY OWNER, SHALL COMPLY WITH THE APPLICABLE LAWS AND RECEIPT BY OWNER OF A SIGN PERMIT MUST BE RECEIVED PRIOR TO MANUFACTURING AND INSTALLATION OF ANY SIGNAGE.

A. GENERAL PROVISIONS

- 1. All signs and signage programs must confirm to the requirements of this Master Signage Plan, the City of St. George, and all applicable Laws. Applications and submittals for signage permits shall be per the City of St. George's procedure and requirements.
- 2. Signs shall identify the person or company operating the use conducted on the Parcel. No off-premises advertising is permitted.

B. GENERAL REQUIREMENTS

- 1. No signs, advertisements, notices, or other lettering shall be displayed, exhibited, inscribed, painted or affixed in any manner to any part of the building exterior except as approved in writing by Owner.
- Each electrical sign, and the installation thereof, shall comply with all applicable Laws. Double back connections must be utilized for all electrical connections through the building structure.
- 3. Tenant shall obtain all necessary permits for signs and the construction and installation of signs.
- 4. No labels shall be placed on the exposed surfaces of signs except those required by applicable Laws. Required labels shall be applied in inconspicuous locations.
- 5. All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight manner.
- 6. Sign copy shall be limited to Tenant's proper firm name and shall not include the names of items, goods, products, or service lines. The use of a crest, shield, logo, or other established corporate insignia or modifier which has been displayed or associated with Tenant's firm name shall be permitted subject to Owner's written approval.

- 7. Any sign that does not conform to the requirements of this Master Sign Plan or was not approved by the Owner as required hereby shall be immediately removed or brought into conformance at the Tenant's expense.
- 8. Any sign type not discussed or addressed herein shall be covered by the City of St. George sign code.

D. SPECIFIC REQUIREMENTS FOR BUILDING SIGNAGE

- 1. Major Tenants (Greater than 5,000 square feet)
 - a. Size Guidelines
 - i. Each Major Tenant will be allowed 20% of wall area of building frontage.
 - ii. Each Major Tenant will be allowed 10% of wall area of building side and rear elevations.
 - iii. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
 - iv. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of twelve (12) inches in depth.
 - v. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example: Maximum spread for a sign for a space thirty (30) feet wide will be twenty-four (24) feet).
 - vi. Height: Sign may not exceed 80% of SIGN BAND height.
 - vii. National chain businesses shall be allowed to use their standard signage. This includes letter style, colors, logos and lighting method.
 - viii. Stylized Logo/Cabinet sign not to exceed 15 square feet.
- 2. Minor Tenants (Less than 5,000 square feet)
 - a. Size Guidelines
 - i. Each Minor Tenant will be allowed 20% of wall area of building frontage.
 - ii. Each Minor Tenant will be allowed 10% of wall area of building side and rear elevations.
 - iii. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
 - iv. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of twelve (12) inches in depth.
 - v. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example: Maximum spread for a sign for a space thirty (30) feet wide will be twenty four (24) feet).
 - vi. Height: Sign may not exceed 80% of SIGN BAND height.

vii. Stylized Logo/Cabinet sign not to exceed 12 square feet.

3. Pad Tenants

a. Size Guidelines

- i. Each Pad will be allowed 20% of wall area of building frontage, side and rear elevations.
- ii. Each frontage will be calculated independently (Example: If a Pad has 4 elevations, each elevation is entitled to have a building sign based on that elevation frontage)
- iii. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
- iv. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of twelve (12) inches in depth.
- v. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example Maximum spread for a sign for a space thirty (30) feet wide will be twenty four (24) feet).
- vi. Height: Sign may not exceed 80% of SIGN BAND height.
- vii. Stylized Logo/Cabinet sign not to exceed 12 square feet.
- viii. A monument sign shall be provided for each pad tenant.

4. Shops & Inline Tenants

a. Size Guidelines

- i. Each Tenant will be allowed 20% of wall area of building frontage.
- ii. Each Tenant will be allowed 10% of wall area of building side and rear elevations.
- iii. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
- iv. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of twelve (12) inches in depth.
- v. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example Maximum spread for a sign for a space thirty (30) feet wide will be twenty-four (24) feet.
- vi. Height: Sign may not exceed 80% of SIGN BAND height.
- vii. Any Shop or Inline suite is guaranteed a minimum of thirty two (32) square feet of signage.
- viii. Each frontage will be calculated independently for allowable square footage.

ix. Stylized Logo/Cabinet sign not to exceed 8 square feet.

E. LIGHTING

- 1. All lighting shall be illuminated with LED's, Neon or Fluorescent's.
- 2. LED must be Slone or Gelcor brand or equivalent.
- 3. Fluorescent lighting will be allowed. No exposed bulbs.
- 4. All electrical will be U.L. or equivalent approved.
- 5. Penetration of structure and graphics beams shall be kept to a minimum and must have proper insulation for voltage cable and must be approved in writing by Landlord.
- 6. Power supplies shall be concealed behind fascia and mounted in metal boxes.

F. DETAIL DRAWING

- 1. Three copies of a complete and detailed drawing by Owner's sign company shall be submitted to Owner for final review and written approval.
- 2. Elevation of building fascia and sign shall be drawn using a minimum 1/4" to 1" scale.
- 3. Drawing shall indicate the following specifications:
 - a. Type, thickness, and color of Plexiglas type of material used for backs, returns, and trim caps, including color.
 - b. Finish used on returns.
 - c. Type of illumination and mounting method.
- 4. Drawing must include fascia cross section showing electrical connections.

G. WINDOW SIGNAGE

- Front facades are allowed up to 20% sign coverage (including window coverings). Side and rear facades are allowed up to 10% sign coverage (including window coverings).
 Pad Buildings are allowed up to 20% sign coverage (including window coverings on front, side and rear facades.
- 2. Window signs to be created in a professional manner.

H. GRAND OPENING BANNERS

 Grand Opening banners are allowed with Owner approval and in accordance with the City of St. George Sign Code.

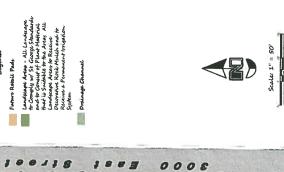
I. ADDRESS SIGNS

1. Each store is required to display a street address and suite number above storefront door and service door of four (4) inch white exterior vinyl.

J. THE FOLLOWING ARE NOT PERMITTED

- 1. Roof signs.
- 2. Cloth signs or streamers hanging in front of business.
- 3. Exposed seam tubing.
- 4. Animated or moving components.
- 5. Intermittent or flashing illumination.
- 6. Iridescent painted signs.
- 7. Letter mounted or painted-on illuminated panels.
- 8. Signs or letters painted directly on any surface.
- 9. Signs will not be permitted to be installed or placed along perimeter of Property.

EXHIBIT C - SITE PLAN





The Fields at Mall Drive 3000 East and Mall Drive St. George, Utah B ped Grocery Store Prion Star Drainage Channel Drive 11811 Retall B Pad C Retall E Retall D Retall C Drainage Channel Pad D ANDERSON WAHLEN & ASSOCIATES Phase III Pad E

EXHIBIT D - SHOPS SAMPLE ELEVATION



Concept: Additional Retail Space at Lin's Fresh Market Site



Canal

Ray Snyder

From:

Ray Snyder

Sent:

Monday, February 02, 2015 10:55 AM

To: Cc: Jay Sandberg John Willis

Subject:

Canal project along Mall Drive.

Jay,

Will you send me an e-mail of the status of the canal improvement project along Mall Drive? Also a graphic of the proposed plan including a cross section?

I want to include it in the Planning Commission agenda packet for the 'Lin's Market' – commercial shopping center - zone change. I will need it before Wednesday morning in order to meet our publishing and distribution deadline.

Thank you,

Ray Snyder Planner II 175 East 200 North St George, Utah 84770 (435) 627-4437 ray.snyder@sgcity.org

Declaration of Restrictions and Easements

Ray Snyder

From:

Bill E. Walley [BEWalley@afstores.com]

Sent:

Monday, January 26, 2015 5:34 PM

To: Cc: Ray Snyder; Matt Loo Steve C. Miner

Subject:

Declaration for Washington Fields development

Attachments:

Declaration of Restrictions and Easements (AFS 1-26-15).rtf

Matt and Ray,

As part of our application, we discussed sharing with you a form that we utilize in our developments. The attached Declaration is a starting point for that document. This is not the final version but it is the basis of what we intend to record with this development. This should help in explaining the cross parking, access, restrictions and use controls that will be placed on the property.

I thought I would send it separate of our application for you to utilize as you see best.

Please contact me with any questions.

Bill Walley

Vice President Construction and Maintenance Market Development Inc. 1850 W. 2100 S. Salt Lake City, UT 84119

(office) 801-978-8512 (cell) 801-674-2154 bewalley@afstores.com

When recorded, return to:		
Γax Parcel Identification No(s).: _		

DECLARATION OF RESTRICTIONS AND EASEMENT

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Development Agreement

The Development Agreement

Was not available at the time of this writing

DRAFT

Agenda Item Number : 3B

Request For Council Action

Date Submitted

2015-02-23 11:00:27

Applicant

Mr. Chad Van Cleve

Quick Title

Public Hearing, Zone Change, and Ord From R-1-10 to PD-R

Subject

Consider a zone change from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-R (Planned Development Residential) on 0.50 acres to accommodate a fourplex referred to as "Ancestor Village.†The property is generally located at 1650 North Dixie Downs Road. The applicant is VCL Investments, LLC and the representative is Mr. Chad Van Cleve. Case No. 2014-ZC-016.

Discussion

The applicant has requested to rezone from R-1-10 to PD-R. The property is surrounded by a LDS Church parking lot on two sides and an existing PD-R development. The applicant intends to plat individually, which would accommodate individual ownership. The proposal is in accordance with the General Plan density limitations for the area, which is MDR. Planning Commission recommends approval.

Cost

\$0.00

City Manager Recommendation Meets General Plan and Planning Commission recommends

approval.

Action Taken

Requested by

John Willis

File Attachments

Approved by Legal Department?

Approved in Budget?

Amount:

Additional Comments

ORDINANCE	NO.

AN ORDINANCE AMENDING THE CITY ZONING MAP BY CHANGING THE ZONE FROM R-1-10 TO PD-R ON 0.50 ACRES

WHEREAS, the property owner has requested a zone change on 0.50 acres from R-1-10 (Single-Family Residential) zoned parcel to a PD-R (Planned Development Residential); and

WHEREAS, the City Council held a public hearing on this request on March 5, 2015; and

WHEREAS, the Planning Commission recommends approval of the requested zone change; and

WHEREAS, the City Council has determined that the requested change to the Zoning Map is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

NOW, THEREFORE, BE IT ORDAINED, by the St. George City Council, as follows:

Section 1. Repealer. Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

Section 2. Enactment. The City Zoning Map is hereby ordered to be changed to reflect the zone change from R-1-10 to PD-R on 0.50 acres generally located at 1650 North Dixie Downs Road, and more specifically described on the attached property legal description, Exhibit "A".

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 5th day of March, 2015.

Jonathan T. Pike, Mayor

ATTEST:

Christina Fernandez, City Recorder

Exhibit "A"

RECORD DESCRIPTION

BEGINNING AT A POINT NORTH 89°31'50" EAST 40.0 FEET AND NORTH 0°08' WEST 266.67 FEET FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 0°08' WEST 133.33 FEET; THENCE NORTH 89°31'50" EAST 327.0 FEET; THENCE SOUTH 0°08' EAST 133.33 FEET; THENCE SOUTH 89°31'50" WEST 327.0 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPTING:

BEGINNING AT A POINT NORTH 01°09'21" EAST 1601.76 FEET AND SOUTH 89°10'19" EAST 203.54 FEET FROM THE WEST 1/4 CORNER OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 01°09'51" EAST 133.33 FEET; THENCE SOUTH 89°10'19" EAST 163.50 FEET; THENCE SOUTH 01°09'51" WEST 133.33 FEET; THENCE NORTH 89°10'19" WEST 163.50 FEET TO THE POINT OF BEGINNING.

Zone Change

PLANNING COMMISSION AGENDA REPORT (Tabled): 01/13/2014

PLANNING COMMISSION AGENDA REPORT: 02/10/2015 CITY COUNCIL SET DATE: 02/19/2015 CITY COUNCIL MEETING: 03/05/2015

ZONE CHANGE

Ancestor Village (Public Hearing)

Case No. 2014-ZC-016

Request: To rezone an R-1-10 (Single-Family Residential) zoned parcel to a

PD-R (Planned Development Residential) zone on .50 acres to accommodate a fourplex. The property is generally located at 1650

North Dixie Downs Road.

Applicant: Chad Van Cleve

946 West Sunset Blvd, Suite E

St. George, Utah 84770

Representative: Mr. Chad Van Cleve

Area: 0.50 acres

Address: 1650 North Dixie Downs Road

Current Zone: R-1-10 (Single Family Residential – 10,000 s.f. minimum lot size)

General Plan: MDR – Medium Density Residential (5 to 9 du/acre)

Density: 8 dwelling units per acre.

Adjacent Zones/Uses: North: PD-R (Planned Development - Residential) Emerald Ridge

Subdivision

East: R-1-10 (Single Family Residential) LDS Church Parking Lot

South: R-1-10 (Single Family Residential) LDS Church West: MH-6 (Mobile Home) Racing Ranch Estates

Project: The applicant is proposing a zone change, in order to construct a two

story, four unit multifamily residential project. Each of the propsosed units will be platted, which will allow for individual ownership. The applicant is required to provide two (2) parking spaces per unit and one (1) guest parking space. End units have individual garages and interior units are required one (1) covered parking space provided per unit. Forty-six percent (46%) of the site is in open space and each unit has a private fenced backyard. Exterior construction consists of

stucco and rock accents.

Comments: The property is surrounded by the LDS church building and parking

lot on two sides and an existing PD development to the north. Staff finds that this change would have little or no impact on the adjacent

2014-ZC-016 Ancestor Village Page 2 of 5

property owners in regards to use and the proposed change is within the City's General Plan requirements.

PC Action:

The Planning Commission tabled this item and requested the applicant provide a detailed landscaping plan and covered parking elevations. The applicant provided the requested elevations to the Planning Commission as requested.

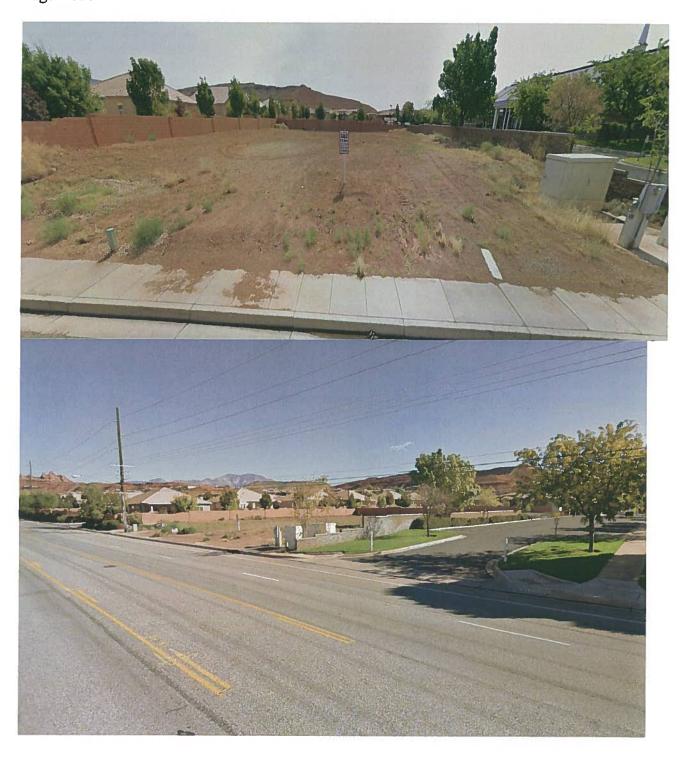
Planning Commission recommends approval.







2014-ZC-016 Ancestor Village Page 4 of 5



2014-ZC-016 Ancestor Village Page 5 of 5



Ancestor Village Narrative

Section 10-8-4

A. Use of Land:

Total Site-.50 acres

Building Coverage - .08 acres = 17.03%

Parking Coverage- .12 acres = 25.81% (7 stalls)

Landscape Coverage- .23 acres 45.86%

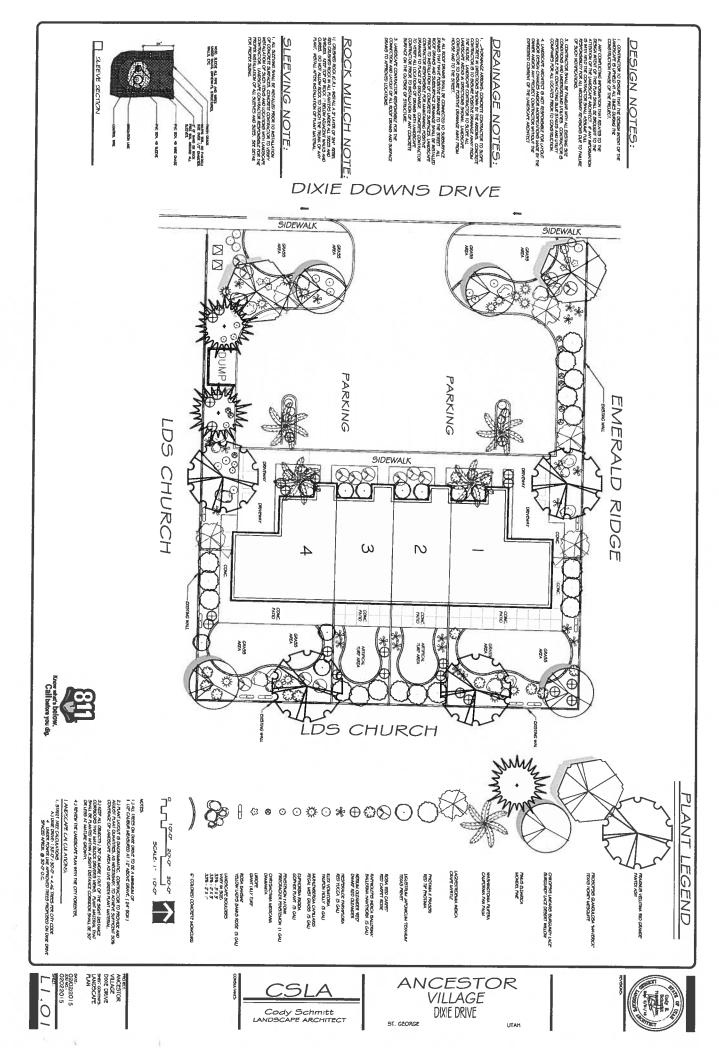
- B. Height and Elevations: Maximum height is 30'0". See Attached Elevations.
- C. Density: 8.0 units/acre (4 units on .50 acres)
- D. No schools or churches. Open space is located along Dixie Downs drive and within each individual back yard area.
- E. Phasing Plan- All Construction shall be completed at one time.
- F. Topography: See attached Site Plan.
- G. Landscape Plan: See attached Landscape Plan
- H. Area reserved for landscaping: .23 acres (45.86% of land)
- I. Utilities: All utilities shall be underground. Transformer equipment shall be screened form streets and adjacent properties.
- J. Refuse Storage Areas: Dumpsters are located behind a solid screen and metal gates.
- K. Lighting Plan: The plans submitted shall include a general lighting plan indicating the location of lights to be installed on the site.
- L. Turning Space: Safe and convenient turning spaces shall be provided for cars, sewer vehicles, refuse collection, firefighting equipments, etc at the end of private drives and dead end streets.
- M. Signs: Signage will conform to code and be development quality. It remains to be designed and submitted.

NAME



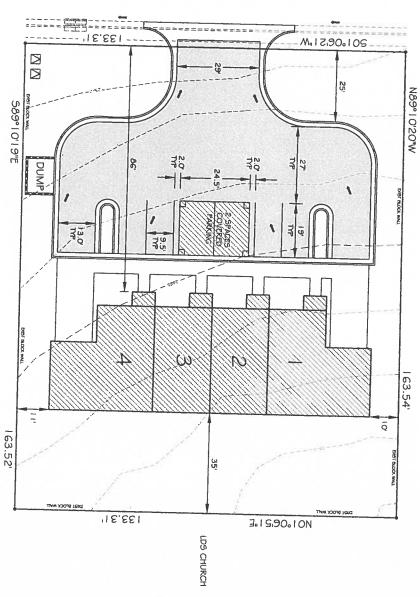


4.





DIXIE DOWNS DRIVE



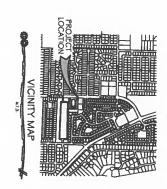
NOTE: 1.) ALL DRIVE ASLES ARE A MINIMUM OF 25' WIDTH UNLESS MARKED AS ONE WAY TRAFFIC
2.) KEEP ALL OBLICCIS THAT MIGHT BLOCK THE DRIVERS VIEW OUT OF THE SIGHT DISTANCE CORRIDOR.



LDS CHURCH







EMERALD RIDGE







SITE PLAN ANCESTOR VILLAGE ST. GEORGE, UTAH 84770







PD ZONE CHANGE PLANNED DEVELOPMENT (PD) APPLICATION & CHECKLIST



APPLICATION FOR A ZONE CHANGE AS PROVIDED BY THE CITY OF ST. GEORGE ZONING ORDINANCE CITY OF ST. GEORGE, UTAH

I. PROPERTY OWNER(S) / AP	PLICANT & PRO	PERTY INFORMATION
LEGAL OWNER(S) OF SUBJECT P.	ROPERTY: VCL	INVECTORIE
MAILING ADDRESS: 940 W	SUNSET DIL	ID CT E
PHONE: 435-574-3369 APPLICANT: CHAN VAN (1)	CELL 125	217 0002
	EK	515. 9035 FAX:
(11 different than owner)		
PHONE: 435 - 313 - 8033	SUNSET BL	
EMAIL ADDRESS(ES): CHAO @ VI	_ CELL:	FAX:
CONTACT PERSON / REPRESENTA	THE	WINTEN CALO
(i.e. Developer, Civil Engineer, Architect; if diff MAILING ADDRESS:	erent than owner)	3011301.(01/)
EMAIL ADDRESS(ES):	CELL.	FAX:
A general description of the property locattach a vicinity map or property plat shifted plan and colored landscape plan, and bublic meetings.	ation is as follows: (Cowing the subject product colored elevation of the lowest subject product to the lowest subject product subject	Give approx. street address, general location etc., and operty and the surrounding areas.) Include a colored drawings (all four sides) suitable for presentations in SERGY, IT BUTO
he Zone Change become	n the hearing date i	if approved by the City Council A
	OFFICE STAFF US	V INO 32
CASE #: 2014-ZC-DU FILING DAT	E. 17/7/11/1 DE	077
*FEE: \$500 (Filing fee and 1" acre) + \$50	0.00 per ac for 2-100 -	CEIVED BY: RECIEPT #: c and \$25 per ac 101-500 and \$10.00 per ac 501-plus
	F we tot 2-100 8(e and 525 per ac 101-500 and \$10.00 per ac 501-plus

- 4. If no, what does the City General Plan propose for the subject property?

 (If the application is not in harmony with the City General Plan, a General Plan Amendment hearing will be required prior to the zone change request. General Plan Amendment hearings are held four (4) times per year in January, April, July, and October. A General Plan Amendment application can be obtained from the Community Development Department or online at http://www.sgcity.org/commdev/forms.php)

A copy of the deed restrictions, if any, may be submitted in support of the application and shall be submitted if contrary to the request zone change.

- 7. Has a Traffic Impact Study or Traffic Analysis been completed to determine any traffic impacts?

 Yes_____No__\subseteq

 IF YES, submit the Traffic Impact Study with the application for review by Traffic Engineering.

 IF NO, a Traffic Impact Study will be required (if determined necessary at Planning Staff Review) to be submitted with the application and reviewed prior to approval by the City Council.
- 8. Is the necessary utility capacity available (water, power, sewer and drainage) to serve the zone change parcel? Yes X No Please describe the projected demand for utility services: WATER, POWER, SEWER, GAS, CARL, TELECOMMUNICATEON!

III. SUBMISSION CHECKLIST FOR PD (PLANNED DEVELOPMENT) ZONE

(A COMPLETE ZONE CHANGE APPLICATION MUST BE SUBMITTED A MINIMUM OF 3 WEEKS PRIOR TO THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION

Development/Project Name ANCESTOR VILLAGE	
(Project name must be previously approved by the Washin Developer/Property Owner VCL TNVSTMNB	Ston County Page 1 2 2
Contact Person Po	gion County Recorder & City Planning Department)
Contact Person/Representative CHAO VAN CUEUK Licensed Surveyor COLAR BINT	Phone No. 435.574.3309
Coplan MINI	Phone No. 435-313-99333 Phone No. 435-574-6455
DD ZOME CELL	457.5 Ju. 6455

PD ZONE CHANGE PROCEDURE

Meet with Planning Staff Review (PSR) - Meets every Tuesday Step #1 at 8:30 a.m. Call Community Development at 627-4206 to be scheduled for this meeting.

Note: Call at least one day in advance to schedule.

Document Submission Checklist* Step #2

Legal Description	Documents:
Cubmit At - C. 11	

Submit the following documents: (These documents must be prepared by a licensed surveyor)

1. Described bearings on all documents must be rotated to HCN;

2. Legal description prepared on 8-1/2" x 11" sheet and signed by a licensed Surveyor;

3. Minimum size 8-1/2" x 11" graphical representation of Survey Boundary;

4. Legal description and Surveyed Site Plan (Record of Survey) drawing in DWG format on a CD for the GIS Department;

5. 24"x36" Surveyed Site Plan (Record of Survey) drawing sheet(s) for meeting exhibit

Other Submission Documents:

6. This Zone Change application form completed and signed;

7. Appropriate** Filing Fee: \$500 (filing fee and 1st acre) + \$50.00 per acre for 2-100 acre and \$25 per acre 101-500 and \$10.00 per acre 501-plus

8. County ownership plat with boundary of zone change outlined;

9. List of property owners within 500' and two sets of mailing labels;

10. Colored Site Plan & Landscape Plan - minimum size 24" x 36";

11. Building elevation(s) - Colored renderings, all four building sides;

12. Board mounted materials and color samples (i.e. roof tile samples, stucco samples, stone samples, and paint color swatches, etc.);

13. For buildings over 35' ft in height also provide a colored photo simulation;

M

V	14. 8-1/2" x 11" reduction of the size 1.
	14. 8-1/2" x 11" reduction of the site plan, landscape plan, and building elevations; 15. Written text (as outlined in Zoning Ordinance Chapter 8, Section 10-8-4);
0	16. CD with the above images in JPEG, BMP or TIFF format and the written text in PDF format
*Note:	
**Note	e: There is NO FEE for acreage rezoned to Open Space
Step #3	Planning Commission and City Council Hearings
	Planning Commission usually meets the 2 nd and 4 th Tuesday of the month at 5:00 p.m. All applications, the legal description and surveyed site plan drawing (Record of Survey) must be complete and submitted at least 3 weeks prior to the meeting. Incomplete or inaccurate applications will not be accepted or scheduled. City Council sets a public hearing date after a recommendation for approval from the Planning Commission, and then there is a 14-day advertising period prior to the public hearing.
Hearing Da	
	Planning Commission
,	City Council Set Date
,	City Council Hearing Date
	Action Action
<u> </u>	Filing Fee: \$500 (filing fee and 1st acre) + \$50.00 per acre for 2-100 acre and \$25 per acre 101-500 and \$10.00 per acre 501-plus - NO FEE for acreage rezoned to Open Space
V. COMM	ENTS
include, b	aware that, if determined necessary by City staff, Planning Commission and the St. George City additional information and/or special studies may be required to review the project. These may but not be limited to: Additional Color Renderings, Photo simulations, Computer fly-bys, Site ats, Color 'Bird's Eye' renderings, and additional color swatches and building materials.
Until the fa	ollowing information is submitted, your application will be considered incomplete:
Requireds	ite improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, a facilities, and all other improvements required under City Ordinance shall be a such as pavements.

storm drain facilities, and all other improvements required under City Ordinance shall be completed prior to

the issuance of a certificate of occupancy or approval for permanent electric power service. In the event such improvements cannot be completed prior to receiving permanent or a certificate due to weather conditions or other unusual circumstances, a financial guarantee in the form of a cashiers check, bond, escrow, or other financial guarantee acceptable to the City attorney shall be provided to the City guaranteeing that such certificate of occupancy.

V. APPLICANT AGREEMENT	
We the undersigned applicant(s)	0 VA 10.
(is)(are) the owner(s) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	STATES
or (agent) of the following legally describe	311/14/12
(Exact legal description and surround six	ed property and request the zone change as described abov
	LIGHT UNCCORD OF Symmetry 1
comply with the pertinent subdivision Final	Plat Checklist requirements.
	649 N DARPOCINE CO
Signature	Address DMBREAK DR
C:	
Signature	Address
C:	
Signature	Address
C'	
Signature	Address
Signature Signature	Address

Z:\CommoniZone Changes\Zone Change Applications\PD Zone Change Application_REV-1)5-10-2012.doc

DRAFT

Agenda Item Number : 3C

Request For Council Action

Date Submitted

2015-02-23 11:30:11

Applicant

TCN, Inc.

Quick Title

Public Hearing, Zone Change, and Ord to Amend the PD-C

Subject

Consider a zone change amendment to the PD-C (Planned Development Commercial) zone on 1.29 acres to accommodate development of a two story professional office building. The property is Lot 5 of the †Tonaquint Center†located along the north side of 1600 South Street. The applicant is TCN Inc and the representative

is Mr. Greg Mathis, MRW Design. Case No. 2015-ZCA-003.

Discussion

The applicant is proposing a new office building in an existing PD-C, which is an amendment to the zone. As such, the City Council will be reviewing the building design, site plan, and materials for the project. The proposal meets all current ordinances. Planning Commission

recommends approval.

Cost

\$0.00

City Manager Recommendation

A new building in the Tonaquint Center development. Since this is a PD the City Council has to review building design, site plan, etc.

Planning Commission recommends approval.

Action Taken

Requested by

John Willis

File Attachments

Approved by Legal Department?

Approved in Budget?

Amount:

Additional Comments

ORDINANCE	NO.

AN ORDINANCE AMENDING THE PD COMMERCIAL ZONE FOR TCN INC LOCATED AT LOT 5 OF THE TONAQUINT CENTER BY APPROVING THE SITE PLAN LAYOUT, ELEVATIONS, AND MATERIALS ON 1.29 ACRES

WHEREAS, the property owner has requested a zone change amendment to the PD-C (Planned Development Commercial) zone on 1.29 acres to develop a two story professional office; and

WHEREAS, the City Council held a public hearing on this request on March 5, 2015; and

WHEREAS, the Planning Commission recommends approval of the requested zone change; and

WHEREAS, the City Council has determined that the requested amendment to the previously approved PD-C Zone is justified at this time and is in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

NOW, THEREFORE, BE IT ORDAINED, by the St. George City Council, as follows:

Section 1. Repealer. Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

Section 2. Enactment. The City Zoning Map is hereby ordered to be changed to reflect the zone change amendment on 1.29 acres on Lot 5 of the Tonaquint Commercial Center located at 1108 W 1660 S (located along the north side of 1600 South Street) specifically described on the attached property description, Exhibit "A".

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Cour of March, 2015.	ncil of the City of St. George, this 5 th day
Jonathan T. Pike, Mayor	
ATTEST:	

Christina Fernandez, City Recorder

Exhibit "A"

TONAQUINT CENTER 2 AMD (SG) Lot: 5

SG-TCTR-2-5

Zone Change Amendment

PLANNING COMMISSION AGENDA REPORT: 2/10/2015 CITY COUNCIL SET DATE: 2/19/2015

CITY COUNCIL MEETING:

3/5/2015

ZONE CHANGE AMENDMENT

TCN - Lot 5 Tonaquint Center

Case No. 2015-ZCA-004

Request: A zone change amendment to the PD-C (Planned Development

Commercial) zone

Applicant: TCN Inc

Representative: Mr. Greg Mathis, MRW Design

Location: The property is Lot 5 of the 'Tonaquint Center' and is located

along the north side of 1600 South Street.

Acreage: 1.29 acres

Current Zone: PD-C

Comments:

General Plan: COM (Commercial)

Adjacent zones: The property is surrounded by PD-C.

1. Elevations, colors, and materials proposed have been provided for

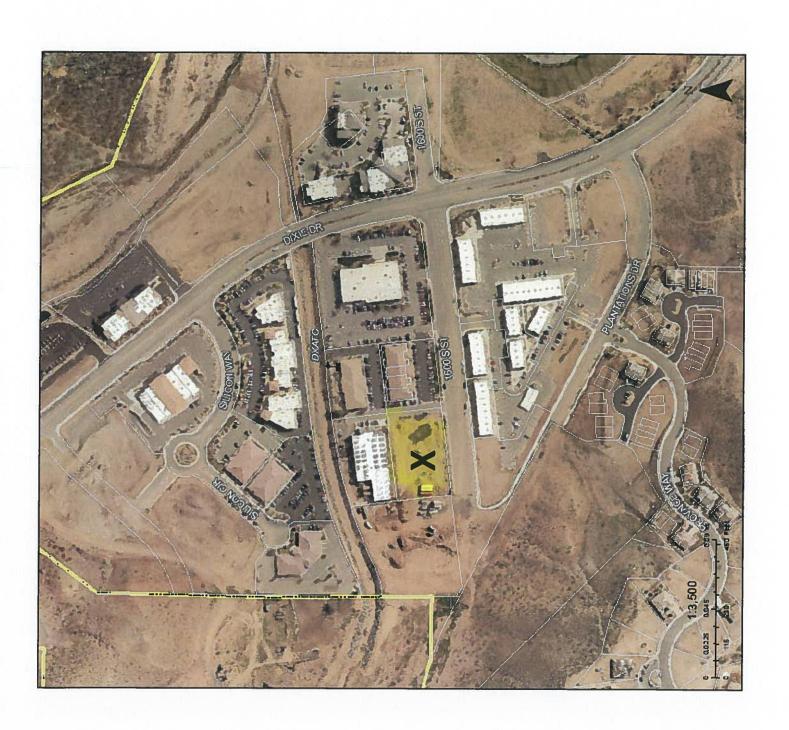
the CC's review and discussion.

2. A SPR (Site Plan Review) application (civil engineering plan set)

shall be submitted and approved by staff.

3. Staff recommends approval.

P.C.: The Planning Commission recommends approval.

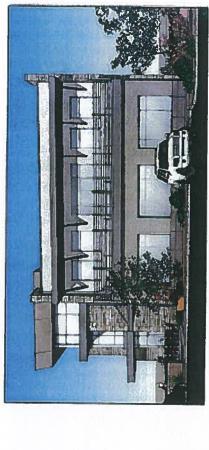








North View – Parking Lot







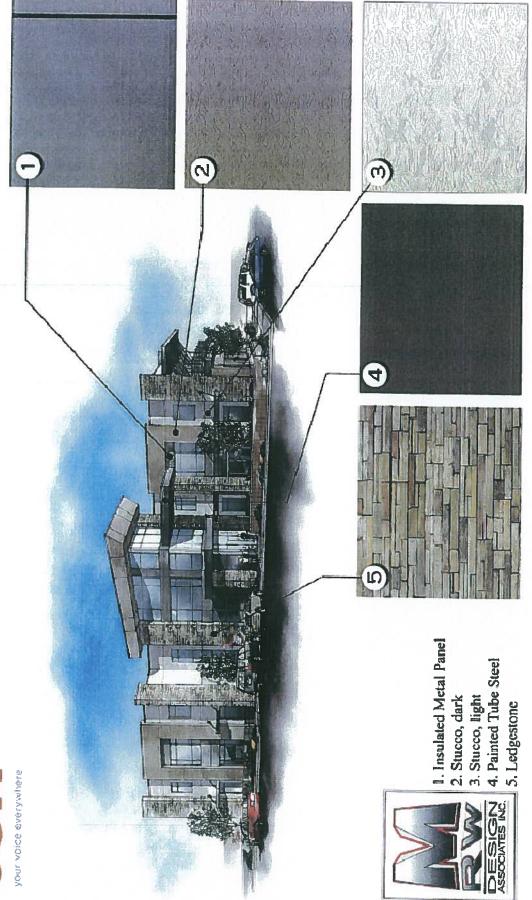
South View (Street)

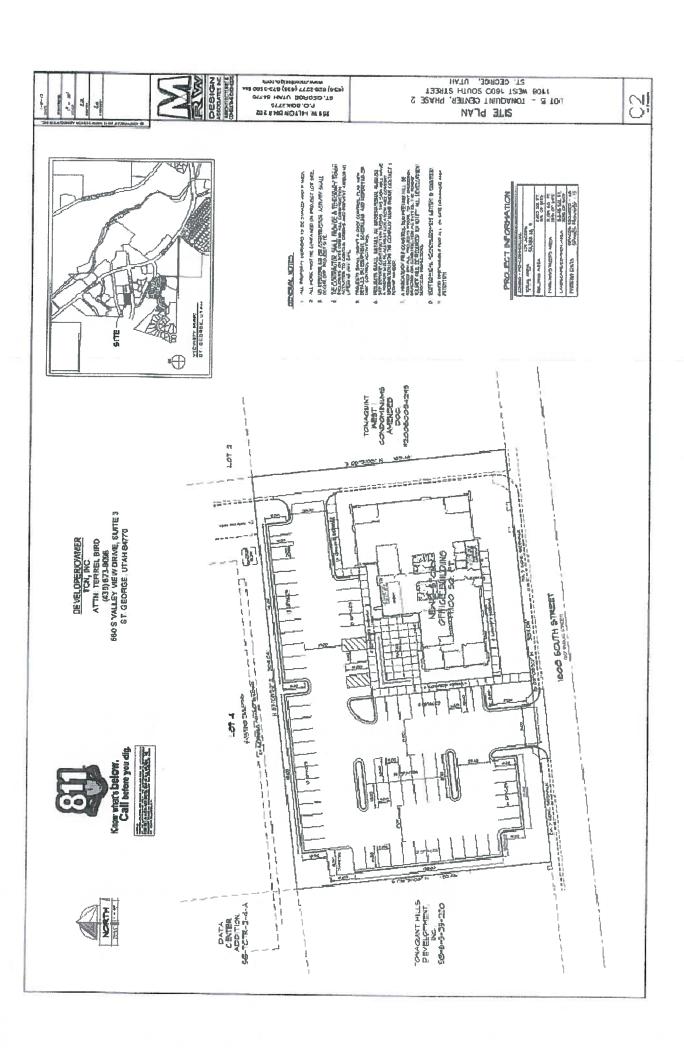
Mour voice everywhere











DRAFT

Agenda Item Number : 3D

Request For Council Action

Date Submitted 2015-02-23 11:40:47

Applicant City of St. George

Quick Title Public Hearing, Zoning Regulations Amendment, and Ord for PD-C.

Subject Proposed amendments to Title 10, Zoning Ordinance, Chapter 8

倜Planned Development Zone, 倜Section 10-8-6

倜Commercial / Manufacturing Development Standards,å€ to revise Section 10-8-6-H 倜Outside Storage,å€ to add Section 10-8-6-I 倨Trash, Junk, Inoperable Vehicles and Similar Items,å€ to add Section 10-8-6-J 倜Solid Waste Storage Facilities,å€ to add Section 10-8-6-K 倜Protection of Residential Property,å€ and to re-title existing Section 10-8-6-I & J to become Sections 10-8-6-L & M.

Discussion The PD-C zone does not allow for outside storage. However, several

businesses have outside storage and uses have been approved that support outside storage. The goal of this amendment is to allow the ordinance to become more unified with the existing language in the commercial zones. The amendment would allow for outside storage with specific requirements, which reduce impacts to surrounding

properties. Planning Commission recommends approval.

Cost \$0.00

City Manager Technical change with regard to outside storage in a PD

Recommendation zone. Planning Commission recommends approval.

Action Taken

Requested by John Willis

File Attachments

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments

ORDIN	ANCE	NO.	

AN ORDINANCE AMENDING TITLE 10 SECTION 10-8-6

WHEREAS, the City Council is desirous of making changes to the regulations dealing with outside storage in the PD-C (Planned Development Commercial) zone; and

WHEREAS, both the Planning Commission and City Council have considered the proposed amendments in public hearings; and

WHEREAS, the Planning Commission recommends approval of the proposed code amendment; and

WHEREAS, the City Council has determined that changes to the ordinances are justified at this time and are in the best interest of the health, safety, and welfare of the citizens of the City of St. George.

NOW, THEREFORE, BE IT ORDAINED, by the St. George City Council, as follows:

Section 1. Repealer. Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

Section 2. Enactment. Title 10, chapter 8, section 10-8-6 is enacted to read as set forth in Exhibit 'A' attached.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this 5th day of March, 2015

Jonathan Pike, Mayor	
ATTEST:	
Christina Fernandez, City Recorder	

EXHIBIT "A"

Proposed Amendment:

(New wording is underlined and wording to be removed has strike through)

- H. Outside Storage: There shall be no outside storage of materials used in sales or in business operation. All businesses shall be completely enclosed. All materials and merchandise, except vehicles in running order, and outdoor merchandise noted below, shall be stored in an enclosed building or within an enclosure surrounded by a solid, sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall (chain link fencing with slats is not considered a solid fence for purposes of this section).
 - 1. Merchandise items intended to be kept outdoors, such as playground equipment, outdoor furniture, plants, pots and similar items may be displayed outdoors provided the display area is not within the required landscape area and does not reduce the minimum number of on-site parking spaces required for the business, and has been approved on site plan in writing by the community development department.
 - 2. Other limited temporary outdoor merchandise displays may be approved by the community development department provided such display is not within any public right of way, in the driveway or in the landscape areas, the display does not obstruct parking spaces, the sidewalk, nor visibility at driveways, and the display is removed when the business is closed for the day. In no case shall a temporary display remain outside after ten o'clock (10:00) P.M. If a fence is constructed as part of the outdoor display, it must be of an ornamental nature and not chain link, or chain link with slats. (Ord. 2012-10-004, 10-18-2012)
- I. Trash, Junk, Inoperable Vehicles, Vessels And Similar Items: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any PD- Commercial zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.
- J. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
- K. Protection Of Residential Property: Where a PD-Commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a solid masonry wall and a minimum ten foot (10') wide planting strip. For buildings or structures over fifteen feet (15') in height an additional setback shall have a one

to one (1:1) ratio; in other words, each additional foot in height requires an additional one foot setback from the property line. The landscape requirements shall be determined by the city planning department to make sure the buffer area adequately protects the adjoining residential property.

- + L. Maintenance: All structures, permitted signs, parking area, landscaping, etc., shall be maintained in a neat, clean and orderly manner. All refuse shall be collected from outdoor areas on a regular basis to prevent said materials from being blown onto adjacent property.
- J. M. Permitted Uses Designated: The city council, upon recommendation from the planning commission, may designate any planned commercial zone as permitting certain of those uses allowed in the C-1, C-2, C-3 or C-4 zone, and any planned manufacturing zone as permitting certain of those uses allowed in the M-1 or M-2 zone, and only that specific type, or types, of businesses are to be permitted in the zone. (1998 Document § 17-6)

Outside Storage-PD-C

PLANNING COMMISSION AGENDA REPORT: 2/10/2015 CITY COUNCIL SET DATE: 2/19/2015 CITY COUNCIL MEETING: 3/5/2015

AMENDMENT TO ZONING REGULATIONS: PUBLIC HEARING Case No. 2015-ZRA-001

Request:

Proposed amendments to Title 10, Zoning Ordinance, Chapter 8 "Planned Development Zone, "Section 10-8-6 "Commercial / Manufacturing Development Standards," to revise Section 10-8-6-H "Outside Storage," to add Section 10-8-6-I 'Trash, Junk, Inoperable Vehicles and Similar Items," to add Section 10-8-6-J "Solid Waste Storage Facilities," to add Section 10-8-6-K "Protection of Residential Property," and to re-title existing Section 10-8-6-I & J to become Sections 10-8-6-L & M.

Applicant:

City of St George

Background:

Currently the Zoning Ordinance specifies that there shall be no outside storage in the PD-C zone(s). However, numerous businesses do have outside storage and most are maintained in conditions which the City would generally support. Currently the ordinance lacks sufficient detail similar to that found in the existing commercial zones (Title 10, Chapter 10 "Commercial Zones" – C1, C2, C3, & C4). Clarification is required to address issues which periodically arise with existing sites, new site approval, and code enforcement issues. The goal of this amendment is to allow the ordinance to become more unified with the existing language in the commercial zones. This amendment is recommended for approval by staff.

Existing PD-C wording:

10-8-6: Commercial/Manufacturing Development Standards

- H. Outside Storage: There shall be no outside storage of materials used in sales or in business operation. All businesses shall be completely enclosed.
- L. Maintenance: All structures, permitted signs, parking area, landscaping, etc., shall be maintained in a neat, clean and orderly manner. All refuse shall be collected from outdoor areas on a regular basis to prevent said materials from being blown onto adjacent property.
- M. Permitted Uses Designated: The city council, upon recommendation from the planning commission, may designate any planned commercial zone as permitting certain of those uses allowed in the C-1, C-2, C-3 or C-4 zone, and any planned

CC 2015-ZRA-001 PD-C Outside Storage Page 2 of 3

manufacturing zone as permitting certain of those uses allowed in the M-1 or M-2 zone, and only that specific type, or types, of businesses are to be permitted in the zone. (1998 Document § 17-6)

Proposed Amendment:

(New wording is underlined and wording to be removed has strike through)

- H. Outside Storage: There shall be no outside storage of materials used in sales or in business operation. All businesses shall be completely enclosed. All materials and merchandise, except vehicles in running order, and outdoor merchandise noted below, shall be stored in an enclosed building or within an enclosure surrounded by a solid, sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall (chain link fencing with slats is not considered a solid fence for purposes of this section).
 - 1. Merchandise items intended to be kept outdoors, such as playground equipment, outdoor furniture, plants, pots and similar items may be displayed outdoors provided the display area is not within the required landscape area and does not reduce the minimum number of on-site parking spaces required for the business, and has been approved on site plan in writing by the community development department.
 - 2. Other limited temporary outdoor merchandise displays may be approved by the community development department provided such display is not within any public right of way, in the driveway or in the landscape areas, the display does not obstruct parking spaces, the sidewalk, nor visibility at driveways, and the display is removed when the business is closed for the day. In no case shall a temporary display remain outside after ten o'clock (10:00) P.M. If a fence is constructed as part of the outdoor display, it must be of an ornamental nature and not chain link, or chain link with slats. (Ord. 2012-10-004, 10-18-2012)
- I. Trash, Junk, Inoperable Vehicles, Vessels And Similar Items: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any PD- Commercial zone. No junk, debris, abandoned, inoperable or dismantled vehicles or vessels or vehicle or vessel parts or similar material shall be stored or allowed to remain on any lot in any commercial zone.
- J. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
- K. Protection Of Residential Property: Where a PD-Commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a solid masonry wall and a minimum ten foot (10') wide

CC 2015-ZRA-001 PD-C Outside Storage Page 3 of 3

planting strip. For buildings or structures over fifteen feet (15') in height an additional setback shall have a one to one (1:1) ratio; in other words, each additional foot in height requires an additional one foot setback from the property line. The landscape requirements shall be determined by the city planning department to make sure the buffer area adequately protects the adjoining residential property.

- L. Maintenance: All structures, permitted signs, parking area, landscaping, etc., shall be maintained in a neat, clean and orderly manner. All refuse shall be collected from outdoor areas on a regular basis to prevent said materials from being blown onto adjacent property.
- J. M. Permitted Uses Designated: The city council, upon recommendation from the planning commission, may designate any planned commercial zone as permitting certain of those uses allowed in the C-1, C-2, C-3 or C-4 zone, and any planned manufacturing zone as permitting certain of those uses allowed in the M-1 or M-2 zone, and only that specific type, or types, of businesses are to be permitted in the zone. (1998 Document § 17-6)
- **P.C.:** The Planning Commission recommends approval.

DRAFT

Agenda Item Number : 6A

Request For Council Action

Date Submitted 2015-02-25 12:55:05

Applicant Jack Lancaster

Quick Title Local Consent for Beer Only Restaurant License

Subject Applicant requests local consent for Beer only Restaurant License.

This is for Irmitas Restaurant located at 490 W St. George Blvd (in the

Hurst shopping center) Applicant has met license requirements.

Discussion

Cost \$0.00

City Manager Recommendation

Meets our license requirements for a restaurant beer license.

Action Taken

Requested by

Shiloh Kirkland

File Attachments

Approved by Legal Department?

Approved in Budget?

Amount:

Additional Comments

BEER ONLY RESTAURANT LICENSE

Local Consent

Local Consent		
PURPOSE: Local business licensing authority provides write Commission (1) to issue an on-premise alcohol license for a particle consumption of an alcoholic product on the premises of the reducing the proximity requirements	person to store, sell, offer for sale, furnish or allow	
AUTHORITY: Utah Code 32B-1-202; 32B-5-201 through 2	203; 32B-5-205 and -206	
hereby grants its consent to the issuance of a beer only restaur Business Name (DBA): TRM TA'S RESTA	arants LLC	
Applicant Entity/Business Owner: TACK K	LANCARTER	
Location Address: 490 W. ST. G-EORG	3E 18LVD #2	
Authorized Signature		
Name/Title	Date	
LOCAL CONSENT FOR PROX	(IMITY VARIANCE	
In accordance with Utah Code 32B-1-202, the local authority proximity of this establishment relative to a public or private sor park.	also grants consent to a variance regarding the school, church, public library, public playground,	
Authorized Signature		
Name/Title	Date	

This is a suggested format. A locally produced city, town, or county form is acceptable. Local consent may be faxed to the DABC at 801-977-6889 or mailed to: Department of Alcoholic Beverage Control, PO Box 30408, Salt Lake City, UT 84130-0408 DABC RE 1/2012

APPLICANT'S QUESTIONNAIRE FOR BEER LICENSE

CITY OF ST GEORGE BUSINESS LICENSE OFFICE 175 EAST 200 NORTH, ST GEORGE, UT 84770 435-627-4740

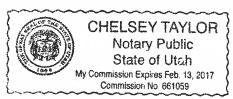
NOTE: All questions must be answered completely or the application will not be considered.

Two classifiable fingerprint cards are required of all applicants, to be taken by a bona fide law enforcement agency.

	se print or type Full Name of Applicant KALE LANCASTER First Middle Last
2.	Applicant Social Security No
3.	Business Name IRM ITA'S KESTAURANTS LLC
	Location of Business 490 W. St. GEORGE Blub # 2
	Business Phone Number 435-628-4389
6.	Home Phone Number <u>435-703-2008</u> Cell Number <u>435-703-2008</u>
	Are you a citizen of the United States or registered alien? CITIZEN Please provide proof
8.	Full Name of Spouse: LAURA Angelica LANCASTER Contreres
	First Middle Last Maiden
9.	Have you at any time been convicted of a felony in any court in the U.S.?
	Have you been convicted or pled guilty at any time to a law violation involving beer or alcoholic beverages? <u>No</u> If so, please provide particulars – state, city, dates, etc.
	Give particulars of your employment or business you engaged in during the past five years. Please provide starting dates, position or business; employer's name and address of business. If unemployed part of the time, so state, giving place of residence. (Please submit additional sheet if necessary) PADIO SALES EXECUTIVE, CHERRY GREEK PANO SIACE OCT 2001 750 W. QdgeUIEW DR, ST GEORGE, W 84710

Arthur Grant Investment LTD
13. If premises are leased, state whether leased from owner or subleased from prior lessee. Lesso From Owner
14. Do you own the fixtures at this location? YES If not, please provide the name and address of the owner
15. If you own the fixtures at this location, state the investment which you have in fixtures and equipment \$ 50,000.
16. How close is the nearest Church to the proposed business location? 3, 168 In Feet Nearest School ? 2,640/1584 Nearest Park ? 4,224 In Feet Nearest Public Library 3,696 In Feet
Nearest Residential Treatment Facility 4,752 In Feet
17. Will you serve food? YES If so, please provide a sample menu.
18. Has a license covering any place in which you had a financial interest ever been revoked or suspended? If so, please provide particulars, dates, name of individual to whom the license was issued
19. If you will be employed or otherwise occupied other than this business, state how much time you will spend at the other occupation or employment. <u>40 Hrs week</u>
20. How much time do you spend in the business represented in this application?
21. Please provide the name(s) of the person(s) to be in charge of this business during any time that you may be away from the premises.
Home address 1066 E. FT. PIERCE City Sh. GEORGE State UT Zip 84790
Home address 1066 E. FT. PIERCE City Sh. GEORGE State UT Zip 84790
22. Are you familiar with the City of St George ordinance regulating the sale of beer and alcoholic beverages? YES.

please provide dates and the address of the establishment.
24. Have you ever held a beer or liquor license in other states? No If so, please provide the state, date and address of the establishment.
25. Have you ever been employed in an establishment in Utah which sells beer? No Please provide the date and address of establishment
General remarks: Please provide information which you believe will help the City Council to make a decision upon your application.
Authorized Applicant Signature 2 - 19 - 15 Date
STATE OF UTAH)) ss. County of Washington)
being first duly sworn, depose and say the foregoing questionnaire is in all respects true and correct, to the best of my knowledge and belief and that I am the above named applicant. I understand that any false information constitutes perjury.
SUBSCRIBED AND SWORN TO before me this day of February 2014. Notary Public
My Commission Expires $\frac{2/13/2017}{}$



BEER LICENSE APPLICATION

CITY OF ST GEORGE
BUSINESS LICENSE OFFICE
175 EAST 200 NORTH, ST GEORGE, UT 84770
435-627-4740

(This application must be accompanied by an Applicant's Questionnaire and satisfactory fingerprint cards)

Applicant must be the owner/operator. If the owner is a corporation, the applicant shall be the corporation's agent; if the owner is a partnership; the applicant shall be a general partner of the partnership.

Plea	se print or type					
1	. Applicant's Nan	ne <u>Jack</u> First		y/c	LANCUS Last	
	Corporation or	partnership nar	me, if applica	nt is an agent.		
	2 = 11				8 5-2005 (c	
2	. Name under wh	artnership)			<u> </u>	
		Firs	st	Middle	Last	
3	. Location of Bus	iness <u>440</u>	W. St.	George B	lud, #2	
4	. Mailing addres	s(If different fro	om location of	f business)		
	Address		City	Sta	ate Zip	
5	. If party who will provide the nan	•	s of the mana	iging party.		ase
	Jack First		ddle		NCASTER Last	
	1066 E	FT PIERCE	•	to beorge	UT 8	4790
	Address		City	Ct	oto Zin	

addresses of the corpor	ow or attach on a separate she ration's principal officers and a rporation. If a partnership, list the LANCASTER	ny stockholders who own he names and addresses of
Applicant Signature	White	Date 2-18-15
STATE OF UTAH)) ss. County of Washington)		
	regoing questionnaire is in all r I belief and that I am the above	
SUBSCRIBED AND SWORN 18th day of February Public		CHELSEY TAYLOR Notary Public State of Utah My Commission Expires Feb. 13, 2017 Commission No. 661059
to do so, or the other general partnership to have the above	corporation or partnership, an partners, will indicate the desire—named applicant hold the better the corporation by affixing his	re of the corporation or eer license in his (her) name
(she) further certifies that by s	signing this application he (she) of the corporation or general pa) is duly appointed,
Name	11614	Date

Todos los platillos vienen con la carne de su preferencia

Beef Steak	Deep Fried Pork	Grilled Chicken	Hot Spicy Pork	Crispy Shredded Beef
Carne Asada	Carnitas	Pollo Asado	Chile Verde	Machaca

Estilo Fajita... \$1.50 extra

A La Carta

\$1.50	\$2.75	\$6.25 Fri-	36 30
TACO PEQUENO (Tortilla frita de Maiz con Carne)	TACO REGULAR (Tortilla Suave de Maiz con Carne)	MULITA (2 Tottillas Fritas de Maiz, Queso, Fri- joles & Carne) Crujiente y Sabrosa!!	OTIONIO

20.72 (Tortilla Suave de Harina, Frijoles & BUKKIIO ...

(Torta Gigante al Grill estilo Mexicano (Tortilla Frita de Maiz, Queso & Carne) QUESADILLA TORTA

(Aguacate Fresco, Jitomate, Cebolla &

\$9.00

\$7.00



acompanados con la carne Todos los Platillos estan de su preferencia mas Arroz & Frijoles

4 Tacos Pequenos

Lun

Mulita	Quesadilla
Mar	Mie

ırrito
B
9
1

egulares
2 Tacos R
Vie 2

Nuestra Famosa Torta Challenge!

Atrevete a comer toda una Torta en 15 minutos y obten una segunda GRATIS. *Algunas Restricciones Applican Para comer aqui)

ORDENE EXTRA

\$2.75	\$5.00	\$1.25	\$1.25	\$1.25	
Arroz & Frijoles Pequeno:	Arroz & Frijoles Grande	Crema	Queso	Aguacate	

Refrescos	\$1.75
AGUA FRESCA	\$1.75
Jarritos	\$2.25
Sangria	\$2.25

ARA COMER AQUI	O PARA LLEVAR	ORDENE AL	628-4399
PARA C	_	90	29





I have known Jack Lancaster for some _______ years, and it is my opinion that Jack is a person of good and sound moral character, and that he is a fit and proper person to granted a beer license for his Mexican Restaurant, Irmita's Mexican Grill, located at 490 west St. George Blvd..

Name MARK BENSON	Date 19 FEB 2015
Address 743 E 1070 S ST GEORG	E UT Phone 435.229.7654
Signature X	-

I have known Jack Lancaster for some 45 years, and it is my opinion that Jack is a person of good and sound moral character, and that he is a fit and proper person to granted a beer license for his Mexican Restaurant, Irmita's Mexican Grill, located at 490 west St. George Blvd..

Name H. Bradley Stucki	Date 2-14-15
Address 384 E. Red Willow Lave, 7	Fue Valley, 12 Phone 435-668-2399
Signature	84781
x & Bradley Study	

I have known Jack Lancaster for some years, and it is my opinion that Jack is a person of good and sound moral character, and that he is a fit and proper person to granted a beer license for his Mexican Restaurant, Irmita's Mexican Grill, located at 490 west St. George Blvd..

Name Mark Ovens	Date 3/19/2015
Address 2285 South Hillrise Cir.	Phone 4351) 703-3562
Signature X Mark been	

I have known Jack Lancaster for some <u>20</u> years, and it is my opinion that Jack is a person of good and sound moral character, and that he is a fit and proper person to granted a beer license for his Mexican Restaurant, Irmita's Mexican Grill, located at 490 west St. George Blvd..

Name Drian Tenney	Date 2/19/2015		
Address 46 w. St George Blvd	& Geo UT Phone 435-674-2849		
Signature			

I have known Jack Lancaster for some <u>40</u> years, and it is my opinion that Jack is a person of good and sound moral character, and that he is a fit and proper person to granted a beer license for his Mexican Restaurant, Irmita's Mexican Grill, located at 490 west St. George Blvd..

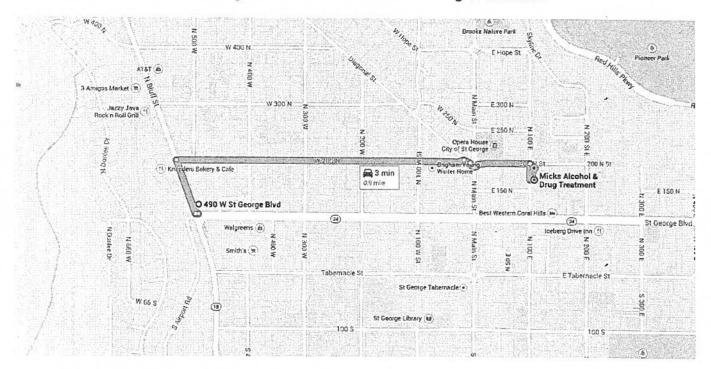
Name Terri Mickelson	Date 2/25/15
Address 1775 E 700 N	Phone 435-628-0786
Signature X Deni Mickelon	

I Jack Lancaster, Owner and Operator of Irmita's Restaurants LLC, currently operating at 490 West St. George Blvd #2, will permit any authorized representative of the City or any Law Enforcement Officer an unrestricted right to enter the licensed premises.

Jack Lancaster



Directions from 490 W St George Blvd to Micks Alcohol & Drug Treatment



o 490 W St George Blvd

St George, UT 84770

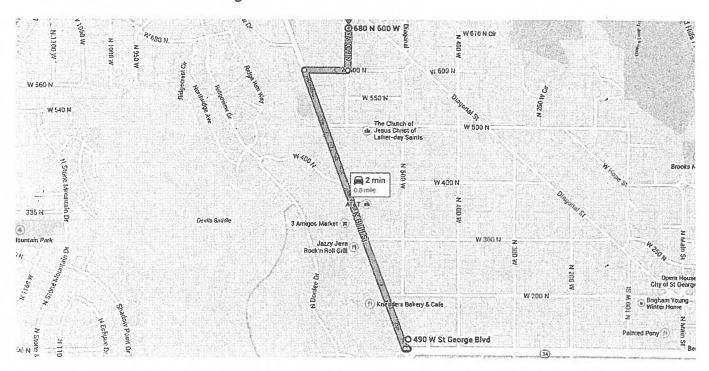
4	1.	Head west on W St George Blvd toward N Bluff St	
i		and the state of t	36 ft
	2.	Turn right onto N Bluff St	
Γ*			0.1 mi
	3.	Turn ríght onto 200 N St	
L →			0.6 mi
	4.	Slight right onto Diagonal St	
7			79 ft
	5.	At the traffic circle, continue straight onto 200 N St	
Ġ,		· E - Min (e-min) - F O MONGO R ON - O MEMBER (A LANGE E LA LINGUISTA LA LINGUIS	0.1 mi
	6.	Turn right onto N 100 E	
-		Destination will be on the left	
			100 ft
		1 2 1 1 1 1 1 What is sufficient to pay the little of the second to the second second to the second	== 180 ft

Micks Alcohol & Drug Treatment

168 North 100 East, St. George, UT 84770



Directions from 490 W St George Blvd to 680 N 600 W



o 490 W St George Blvd

St George, UT 84770

1. Head west on W St George Blvd toward N Bluff St

2. Take the 1st right onto N Bluff St

3. Turn right onto W 600 N

479 ft

4. Take the 1st left onto N 600 W

Destination will be on the right

476 ft

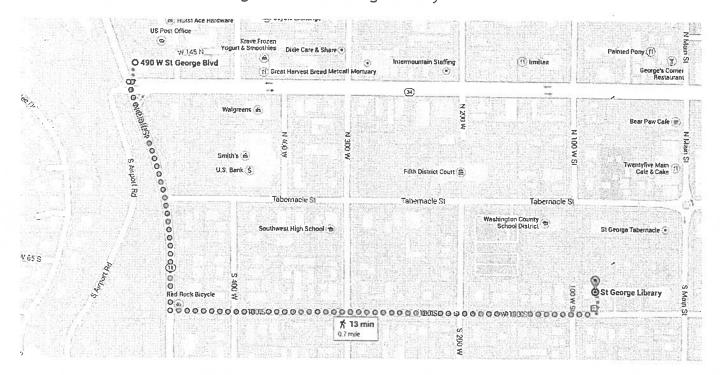
680 N 600 W

St George, UT 84770

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



Directions from 490 W St George Blvd to St George Library



490 W St George Blvd

Use caution - may involve errors or sections not suited for walking

St George, UT 84770

t

1.	Head	west on \	V St George	Blvd toward I	N Bluff St

36 ft

Turn left onto N Bluff St

0.2 mi

Turn left onto W 100 S

Destination will be on the left

0.4 mi

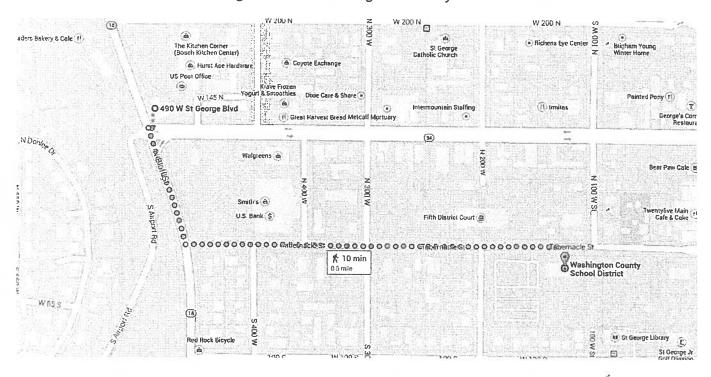
St George Library

88 West 100 South, St. George, UT 84770

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



Directions from 490 W St George Blvd to Washington County School District



o 490 W St George Blvd

Use caution - may involve errors or sections not suited for walking

St George, UT 84770

1	Head west or	W St George	Blvd toward N Bluff St

36 ft

2. Turn left onto N Bluff St

3. Turn left onto Tabernacle St

Destination will be on the right

__ 0.4 mi

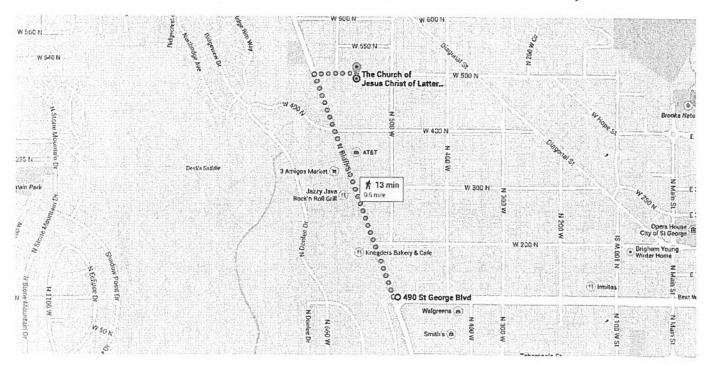
Washington County School District

121 Tabernacle Street, St. George, UT 84770

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Google

Directions from 490 St George Blvd to The Church of Jesus Christ of Latter-day Saints



490 St George Blvd

Use caution - may involve errors or sections not suited for walking

St George, UT 84770

1.	Head west on wist George Blvd toward N Bluff St	

49 ft

Turn right onto N Bluff S	2.	Turn	right	onto	N	Bluff :	S
---	----	------	-------	------	---	---------	---

0.5 mi

3. Turn right onto W 500 N

Destination will be on the right

466 ft

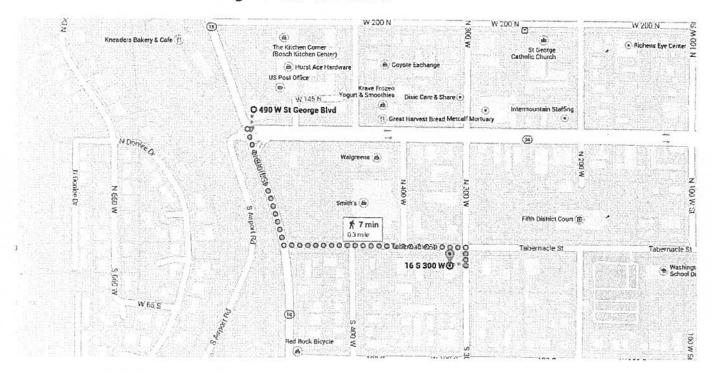
The Church of Jesus Christ of Latter-day Saints

St. George, UT 84770

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Google

Directions from 490 W St George Blvd to 16 S 300 W



o 490 W St George Blvd

St George, UT 84770

1

Use caution - may involve errors or sections not suited for walking

Head west on W St George Blvd toward N Bluff St

36 ft

Turn left onto N Bluff St

0.1 mi

Turn left onto Tabernacle St

0.2 mi

Turn right onto S 300 W

98 ft

16 S 300 W

St George, UT 84770

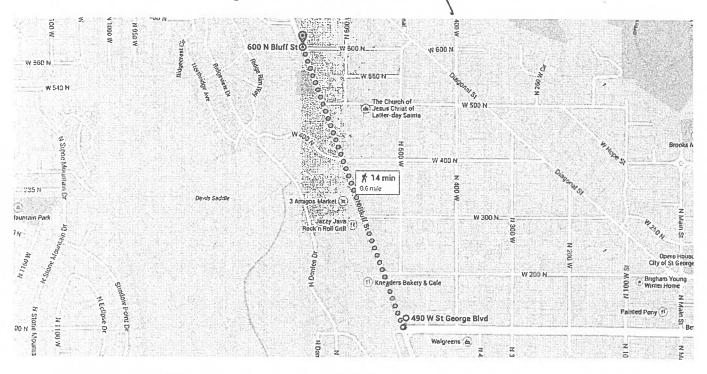
These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Destination will be on the right

Google

Walk 0.6 mile, 14 min

Directions from 490 W St George Blvd to 600 N Bluff St



490 W St George Blvd

Use caution - may involve errors or sections not suited for walking

St George, UT 84770

1

1. Head west on W St George Blvd toward N Bluff St

36 ft

2. Turn right onto N Bluff St

Destination will be on the right

0.6 mi

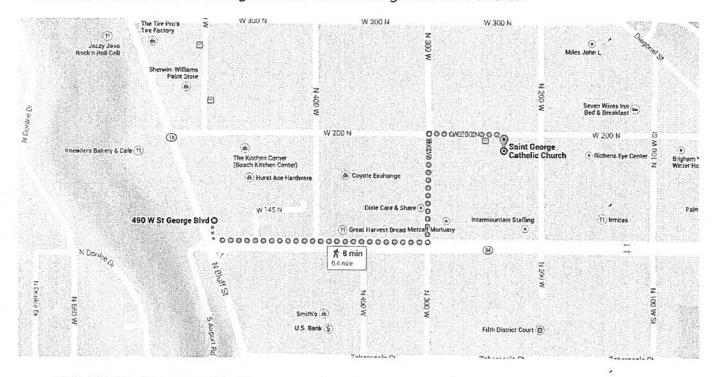
600 N Bluff St

St George, UT 84770

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



Directions from 490 W St George Blvd to Saint George Catholic Church



o 490 W St George Blvd

Use caution - may involve errors or sections not suited for walking

St George, UT 84770

1

4

Head east on W St George Blvd toward W 145 N

0.2 mi

2. Turn left onto N 300 W

0.1 mi

3. Turn right onto W 200 N

Destination will be on the right

417 ft

Saint George Catholic Church

259 West 200 North, St. George, UT 84770

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

DRAFT

Agenda Item Number :

Request For Council Action

Date Submitted 2015-02-23 08:41:09

> **Applicant** Lon Allen

Quick Title Local Consent for Temporary Event at Ridgetop

Subject Applicant requests Local Consent for Special event of "retrospect

Rock fest" to be held at the Ridge Top May 8th & 9th. Applicant has

met application requirements.

Discussion

Cost \$0.00

City Manager This is the "beer garden" for the special event to be held at the Ridge Recommendation

Top retrospect rock fest. Application meets our requirements but will

be the first event like this that I recall in the City.

Action Taken

Requested by Shiloh Kirkland

File Attachments

Approved by Legal Department?

Approved in Budget?

Amount:

Additional Comments

EVENT PERMT "TEMPORARY BEER" Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Control Commission to issue an event permit to an organization for the purposes of storage, sale, offer for sale, furnish, or allow the consumption of an alcoholic product on the event premises

allow the consumption of an alcoholic product on the event pren	nises
AUTHORITY: Utah Code 32B-9-201	
St Genrale	Va
Local business license authority	City [] Town [] County
hereby grants its consent to the issuance of a temporary beer ever	nt permit license to:
Applicant Entity/Organization: LON Allen / 50	nny Boys BBQ
Event Name: LETTOSPECT ROCKFEST	
Event location address: 317 5 DONICE Dr	St. George UT 84770
On theday(s) of	city state zip month ,
during the hours of	, pursuant to the provision of Utah Code 32B-9.
Authorized Signature	
Name/Title	Date

This is a suggested format. A locally produced city, town, or county form is acceptable. Local consent may be faxed to the DABC at 801-977-6889 or mailed to: Department of Alcoholic Beverage Control, PO Box 30408, Salt Lake City, UT 84130-0408 Temporary Beer local Consent (11/2013)

3/27-1-1-

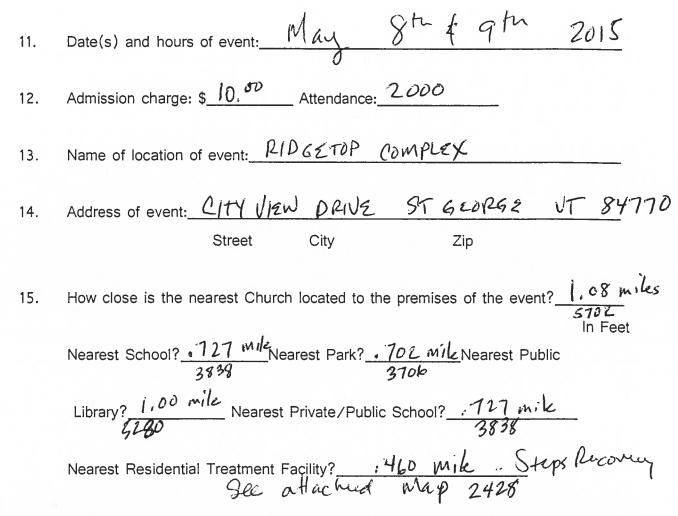
CITY OF ST GEORGE

APPLICATION FOR ALCOHOL SINGLE EVENT PERMIT

175 EAST 200 NORTH

ST. GEORGE, UTAH 84770

1.	Name of organization: Sonny Bays BBQ
2.	Address: 980 West State Street Hurricane Ut 84737
	Street City State Zip
3.	Phone number: 435-215-301/Fax:
4.	Person to contact: LON ALLAN
5.	Type of organization: (check one) Please include a list of officers.
	Incorporation Association Political Organization Limited Liability Co Partnership Local Chapter Church
6.	Applicants Name: LON ALLEN Social Security Number
7.	Applicants residence address: 3422 S 050 W Hurricane Utah 84737 Street City State Zip
8.	Applicants Phone number: 435-215-5254
9.	Name of event: Retrospect Rockfat
10.	Purpose of event: Entertainment



Criminal History. The City Ordinance prohibits any person who has been convicted of a felony or of any violation of any law or ordinance relating to alcoholic beverages, driving under the influence, keeping a gambling or disorderly house, or any law or ordinance involving moral turpitude, or who has pleaded guilty to or forfeited bail on a charge of having committed a felony or of having violated any such law or ordinance from holding a single event permit. No partnership, limited liability company, corporation, or other entity, holding any interest greater than twenty percent (20%) shall be issued a permit if any of its partners, members, trustees, officers, directors or shareholders have been convicted of a felony or any violation of any law or ordinance relating to alcoholic beverages, driving under the influence, keeping a gambling or disorderly house, or any law or ordinance involving moral turpitude, or have pleaded guilty to or forfeited bail on a charge of having committed a felony or of having violated any such law or ordinance.

Please list all criminal offense of which you or any of the above persons have ever been convicted. If none, the undersigned applicant attests that the above persons have not

been convicted of any disqualifying criminal offenses,

My Commission Expires June 13, 2015

Name	Criminal Offe	nse	Date of Convicti	ion
NA				
		oplication to the City		
<u>20</u> day of <u>Fe</u>	bruary	, 2 <u>015</u>	·	
		Authorized Applica Manager	Int Signature	9
		Title		
STATE OF	utah		Nota	R CHAPMAN Iry Public
COUNTY OF Was	shington	_ 1	Comm.	e of Utah No. 608741 spires Jun 13, 2015
SUBSCRIBED AND	SWORN TO	me before this 20	day of Februa	ry , 2015.
Motary Public	apman	<i>J</i>		

Signature Sides

\$2.4	th	
	prinkled wi	
	Golden and crispy, sprinkled w	y's salt!
French Fries \$2.49	Golden a	Sonny Boy's salt!

Fried Cauliflower\$2.49
This is the side Sonny Boy's is
Famous for! Bite-size morsels of
breaded cauliflower fried to
perfection...a must try!

Fried Pickle Chips.....\$2.49
A true southern side! Tangy dill
pickles, sliced, breaded and fried to
perfection. Try 'em...you'll love 'em!

Coleslaw \$2.49 Sonny Boy's own dressing gives this finely cut cabbage a sweet kick.

Garlic Mashed Reds..........\$2.49
Baby Red potatoes mashed with butter, parsley, and a zing of fresh garlic

Hush Puppies\$2.49
Delectable little balls of deep-fried seasoned combread. Sweet, with a hint of onion. Careful, it's easy to fill.up on these!

Baked Beans \$\\$\\$\\$\$side \text{kinds of beans with molasses, brown sugar, hickory smoked bacon, and the perfect mix of seasonings makes these beans unforgettable!

Side Salad\$2.49
Romaine lettuce, tomatoes, cucumbers, croutons and your choice of dressing

Homemade Mac 'n' Cheese......\$2.49 Made from scratch, this cheesy southern staple definitely ain't from a box. De-liclous!

Dill Potato Salad\$2.49 Made fresh, just the way Grandma made it with lots a Love and lots a pickles.

Collard Greens\$2.49
Fresh collard greens, simmered for hours with bacon and onions in our own special broth. They are pure comfort food.

The Legend of Sonny Boy's BBQ

Sonny Boy's was born when father and son went on a search to create the best barbecue this side of the Mississippi. Lon always had a passion for good food and great BBQ and shared that passion with his son, Scott. Our Sonny Boy's family has traveled North America, and the world meeting and learning from many of the barbecue greats. We have been creating and refining our family recipes for more than 20 years. We are proud to bring those mouth-watering recipes to you.

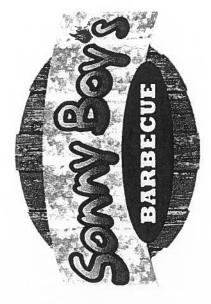
Sonny Boy's starts with the finest ingredients and makes our secret recipes from scratch each day. We smoke our signature pulled pork and beef brisket for over 12 hours! In addition we offer moist smoked chicken, hand rubbed St. Louis style ribs, and our brined turkey can't be beat. Add some of our fresh and tasty signature sides and deserts... Oh it's a meal to be remembered! And everyone needs to try our famous fried cauliflower! Great customer service and happy employees are our not-so-secret ingredients for a successful business. We believe in good food at a price families can afford so they'll come back again and again.

Oh Yeah... we cater too!

Everything from bulk pick up to full service,
on location buffet style service.

We do breakfast, lunch and dinner, and have catered groups as large as 5000. Give us a call to see how we can best serve you with your next event!

www.sonnyboysbbq.com



Take-out Menu

*Fried Goods and Chicken NOT available at Mesquite location.

"Food so good it'll make your tongue slap your brains out!"

Cedar City, Utah 126 North Main Street 435.867.8010 Hurricane, Utah 980 West State Street 435.215.3011 Mesquite, Nevada 70 Falcon Ridge Parkway Inside Chevron Travel Mart 702.802.1723 **Prices and offerings may vary by location and are subject to change.

Sandwich Meals (includes one side)

ST.99

Our most popular meat, prepared with a slather then rubbed with our own "Butt Rub" and slow smoked for over 12 hours for the most tender moist most over 12. tender, moist pork ever. Smoked Pulled Chicken*\$7,99
Our popular smoked chicken, freshly pulled off the bone and piled high on our ...fresh baked bun.

The ""KING" \$8.99 AKA Memphis style or Elvis style Pulled pork piled high with a crown of coleslaw. The ""KING"

Can't decide? Half pork and half brisket. The Thunderbird.

King style any sandwich.....\$1.00

(comes with Colesiaw, French Fries, or Mac 'n' Cheese and a drink) Daily Lunch Specials served from 11 to 2

Pit Masters Choice.....\$6.99

Plate Meals (includes two sides and cornbread)

Sampler.....\$15.99 1/2 Rack of Ribs".....\$15.99 Full Rack of Ribs".....\$22.99 1 Meat Plate.....\$10.99 2 Meat Plate.....\$13.99 Sampler for Two.....\$22.99 BBQ Nachos, with pork or beef \$8.99 3BQ Frychos, with pork or beef \$8.99

Salads

dressing.

Add pork, beef or chicken.....\$3.99 Caesar Salad.

Kids' Meals (comes with kid's drink and French fries. Children 8 and younger please.)

Corn Dog* Fried to golden brown perfection

Kids Pork Sandwich.....\$4.49 Smoked Pulled Pork with our signature homemade BBQ sauce

Chicken Fingers*\$4.49 2 to 3 pieces of freshly breaded chicken.

Saucy Smoked Wings* (Tangy and spicy-sweet, these wings put other wings to shame!)

Wing Meal \$10.99 Comes with 6 wings, one side and cornbread

3 wings.....\$3.49 6 wings.....\$5.99 10 wings.....\$8.99 20 wings.....\$16.99 30 wings.....\$25.99 Wings a la carte

Desserts (Trust us...you'll want to save room!)

Banana Pudding \$23.99 You have to try this traditional southern dessert! Layers of vanilla wafers, fresh-cut bananas and homemade custard. Served chilled. Brownies\$1.99 Fresh Baked Sugar Cookie.....\$1.99

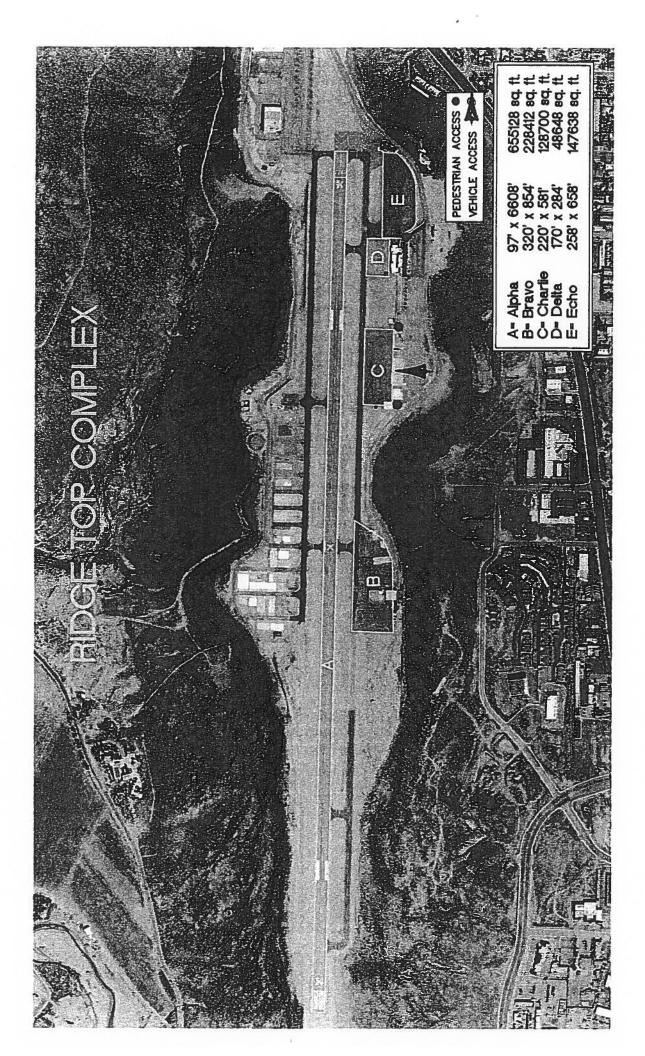
Assorted soft drinks, tea, beer* and wine* available.

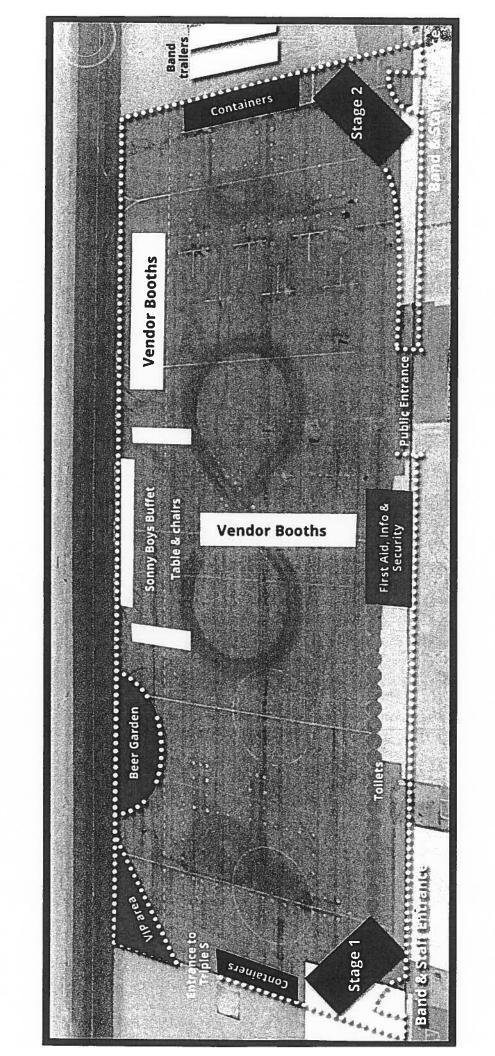
Family Meal / Bulk

Half Dozen Combread or Rolls Pork, Brisket & Chicken* 4 Pint Side Dishes Feeds 6-8 people All for \$52.99

1b. Brisket\$13.99 Ribs, per bone.....\$2.49 Half Rack Ribs\$12.99 Full Rack Ribs.....\$20.99 Pint Side\$5.99 Quart Side.....\$8.99 Pint of Sauce\$5.99 Quart of Sauce\$8.99 lb. Smoked Pork.....\$11.49 Whole Chicken*

breasts), Smoked Sausage, Burnt Ends, Smoked Prime Rib and Smoked Hams. Ask about availability and pricing for Brined Smoked Turkey (whole and





Retrorock Fest

Church, schools parks

- St George Tabernacle 1.08 mil
- Dixie High School , 727 w.k
- J.C. Snow Park , 738 mile
- Black Hill View Park , 702 mik
- •

Approximate Beer Garden Location

- 💪 Line of sight park
- 🕹 Line of sight school
- 💪 Line of sight church
- Steps Recovery . 460 mile
- St. George detox , 828 mil
- ₹ Line 12
- ₹ Line 13

Directions from Approximate Beer Garden Location to Black Hill View Park

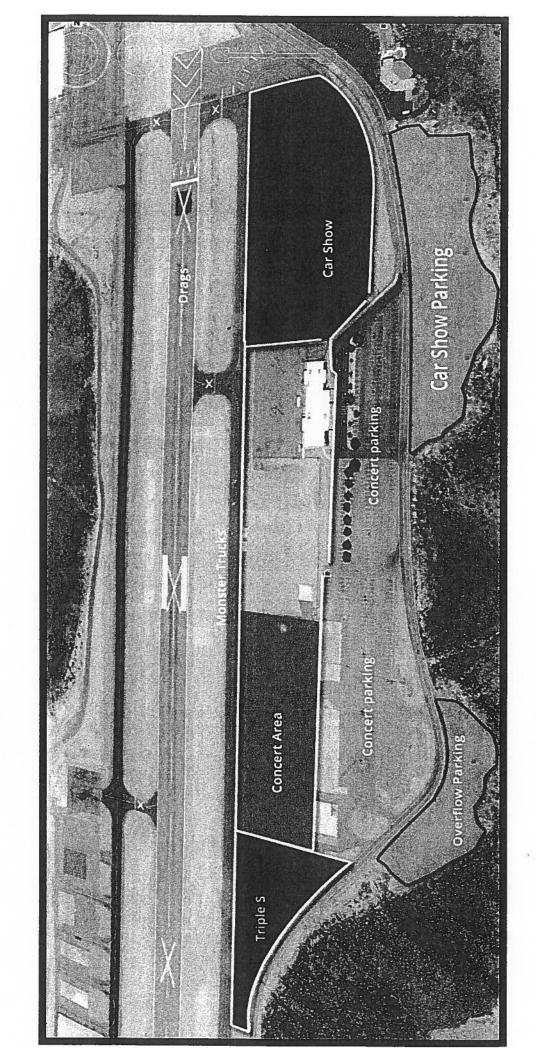
0

Approximate Beer Garden Location

Black Hill View Park



data ©2015 Google, Imagery ©2015 DigitalGlobe, Landsat, State of Utah, USDA Farm Service Agency



I Lon Allen, do hereby consent and agree to allow any city representative or any Law enforcement officer to an unrestricted right to enter our licensed premises or event.

Lon Allen

Sonny Boy's BBQ

To Whom It May Concern,

Karen Mikahell

I personally know Lon Allen and I view him to be of good moral character and in my opinion, he is fit and proper person to be granted a beer license by the City of St. George.

Thank you,

Name Karen mitchell

Address 2334 5. River Road #5 St. George, WT 84790

Phone# (435) 531-4375

I Lon Allen, do hereby consent and agree to allow any city representative or any Law enforcement officer to an unrestricted right to enter our licensed premises or event.

Lon Allen

Sonny Boy's BBQ

To Whom It May Concern,

I personally know Lon Allen and I view him to be of good moral character and in my opinion, he is fit and proper person to be granted a beer license by the City of St. George.

Thank you,

Name Dayre mitchell

Address 2334 S. River Road \$5 St. George, UT 84790

Phone# (435) 632-9889

To Whom It May Concern,

I personally know Lon Allen and I view him to be of good moral character and in my opinion, he is fit and proper person to be granted a beer license by the City of St. George.

Thank you,

Name Les Pecurson
Address 634 5007h main
Phone# 435-703-8300

To Whom It May Concern:

I personally know Lon Allen and I view him to be of good moral character and in my opinion, he is a fit and proper person to be granted a beer license by the City of St. George.

Thank You,

Kenneth M. Rolfsness

1287 W. Bloomington Dr. S

House 19

Saint George UT 84790

February 23rd, 2015

To Whom It May Concern:

I am writing to inform you that I know Lon Allen personally and know him to be a person of exceptional moral character, as well as a fit and proper person to be granted a beer license by the City of St. George.

Sincerely,

Mighelle M. Rolfsness

12/87 W. Bloomington Drive S.

House 19

Saint George. UTAH. 84790

435.862.7104

DRAFT

Agenda Item Number : 6C

Request For Council Action

Date Submitted 2015-02-24 08:27:20

Applicant Marie Landis

Quick Title Fee Waiver

Subject Virgin River Land Preservation Association meeting at Seegmiller

Farm barn pavilion.

Discussion Would like to use the Seegmiller Farm barn for a meeting. Would like

the \$120.00 fee waived.

Cost \$120.00

City Manager This fee covers the cost of having a staff person on site for events at **Recommendation** the new Seegmiller farm pavilion. If the council is inclined to waive the

the new Seegmiller farm pavilion. If the council is inclined to waive the fee staff would recommend that the applicant be required to cover the

cost of the staff person probably \$60.00.

Action Taken

Requested by Susan Oakes - Parks

File Attachments

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments

DRAFT

Agenda Item Number : 6D

Request For Council Action

Date Submitted 2015-02-23 15:30:19

Applicant PC

Quick Title PC Report from Feb 24, 2015

Subject Consider the Planning Commission report from the meeting on

February 24,2015.

Discussion Several items were on the PC agenda. Two items are setting the

public hearing date, three final plats, three preliminary plats, and two conditional use permits. The CUP's are for a towing impound yard and height of an accessory structure. CUP's are also listed separately on

the agenda.

Cost \$0.00

City Manager Long meeting for the Planning Commission with the Zone Change at **Recommendation** Dinosaur Crossing and the Zone amendment in Sun River taking the

most time.

Action Taken

Requested by John Willis

File Attachments

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments

CITY OF ST. GEORGE WASHINGTON COUNTY, UTAH

PLANNING COMMISSION REPORT: CITY COUNCIL MEETING:

FEBRUARY 24, 2015 MARCH 5, 2015

1. PUBLIC HEARINGS TO BE ADVERTISED FOR MARCH 19, 2015

- A. Consider a zone change from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-R (Planned Development Residential) on 11.37 acres to accommodate a multiple family development project consisting of twelve (12) dwelling structures which includes 244 apartment units, a clubhouse, two pavilions, and covered garage structures. The project is "Grayhawk Apartments at River's Edge." The property is located between Riverside Drive and the Virgin River and runs from 2200 East to 2450 East (approximately 501 South 2200 East). The applicant is Grayhawk at Rivers Edge LLC and the representative is Mr. Rob Reid, Rosenberg Associates. Case No. 2015-ZC-004. (Staff John Willis).
- B. Consider a zone change request to rezone 76.42 acres to allow Part #1) Amendment No. 6 to the St George Sun River Planned Development Zone (Sun River PD) to move approximately 30 acres of the Interchange PD into the Sun River PD, and to update its land use to become PD-R (Planned Development Residential), Part #2) allow an Amendment No. 2 to the 'Atkinville Area Zone Plan' (Interchange PD) to update the balance of the property to join the existing 8.1 acres Community Commercial (CC) as defined by the Atkinville Interchange PD which will increase the amount of CC to 27.9 acres, and Part #3) to update the location of the signage parcel used for advertising the Sun River St George community. Note that the above actions include elimination of the 'Employment 2' and the 'RV Park Land' uses. The property in Part # 1 & #2 is generally located westerly of Pioneer Road and northerly of Bluegrass Way. The property in Part #3 is generally located south of the Atkinville Wash, west of the I-15 Freeway, and east of the residential lots 2122 thru 2128 along Silk Berry Drive. The property owner is the State of Utah (SITLA - State Institutional Trust Land). The applicant is Sun River St George Development, LC in cooperation with SITLA and the representative is Mr. Scott McCall. Case No. 2015-ZC-005. (Staff - Ray Snyder).

2. FINAL PLATS (FP)

A. Consider approval of a sixteen (16) lot residential subdivision for "Mulberry Estates Phase 9" The representative is Mr. Brad Peterson, Development Solutions. Lots 117 thru 130 are zoned R-1-12 (Single Family Residential Estate 12,000 sq. ft. minimum lot size) and Lots 131 and 132 are zoned RE-20 (Residential Estate 20,000 sq. ft. minimum lot size). Located at approximately 2880 East and 3110 South (in the little Valley area). Case No. 2014-FP-076. (Staff – Todd Jacobsen).

- B. Consider approval of a twenty-six (26) unit residential subdivision for "Sun River St George Phase 46" The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned PD-R (Planned Development Residential) and is located along Whitestone Drive between Pearl Vista Drive and Blue Star Drive. Case No. 2014-FP-059. (Staff Todd Jacobsen).
- C. Consider approval of a roadway dedication final plat for "2350 East Street and Horseman's Park Drive Roadway Dedication Plat." The representative is Mr. Scott Woolsey, Alpha Engineering. Located at approximately 2350 East and 3220 South (Little valley area near 'The Fields at Little Valley Park,' Sunrise Ridge Intermediate School, and Little Valley Elementary School. Case No. 2015-FP-006. (Staff Todd Jacobsen).

3. PRELIMINARY PLAT

- A. Consider approval of a preliminary plat for a three (3) lot commercial subdivision for "Riverside Business Park." The applicant and representative is Mr. Wes Davis. The property is C3 (General Commercial) and is located at 359 and 377 East Riverside Drive. Case No. 2015-PP-003. (Staff Wes Jenkins).
- B. Consider approval of a preliminary plat for a five (5) lot residential subdivision for "Tupelo Estates Phase 3." The applicant is Development Solutiuons Group, Inc. and the representative is Mr. Steve Kamlowsky. Located at 3230 S Amaranth Drive. Case No. 2015-PP-004. (Staff Wes Jenkins).
- C. Consider approval of a preliminary plat amendment for a fifty-six (56) lot residential subdivision for "Hawthorn Estates Amendment." The applicant is Development Solutions Group, Inc. and the representative is Mr. Steve

4. <u>CONDITIONAL USE PERMITS (CUP)</u>

- A. Consider a request for permission to establish "Freedom Towing," a towing and impound yard in the Ft Pierce Industrial Park. The property is located at 4379 Progressive Drive and is zoned M-1 (Industrial). The applicant and representative is Mr. Sterling Norton. Case No. 2015-CUP-003. (Staff Ray Snyder).
- A. Consider a request for a Conditional Use Permit to construct a **detached accessory structure** with a maximum ridge height of approximately twenty-one feet (21') and wall height of approximately fourteen feet (14') for personal auto and RV storage. The structure will be lap siding with a tile roof and be 1,000 s.f. (50' x 20'). The applicant is Mr. Jared Wade. The property is zoned RE-37.5 (Residential Estates, 37,500 s.f. minimum lot size). Case No. 2015-CUP- 004. (Staff John Willis).

CC - Planning Commission Report From February 24, 2015 Page 3 of 3

5. OTHER PLANNING COMMISSION BUSINESS

The Planning Commission met for four hours (5 - 9 pm). In particular, two agenda items required the most time for discussion; being 1) the proposed zone change (ZC) for 'Grayhawk Apartments at River's Edge' and 2) the Sun River zone change amendment (ZCA). The ZC required two (2) hours before a motion recommending approval with conditions was made (due to discussing building heights, density, and parking). The ZCA required one (1) hour. Half of the ZCA time involved approximately 6 – 7 residents giving public comments. The Planning Commission did make a motion to approve the ZCA as presented. A detailed staff report will be presented to the council on March 19th for both items. The rest of the cases were fairly routine and did not require much time.

PCR ITEM 2A Final Plat

PLANNING COMMISSION AGENDA REPORT:

02/24/2015 03/05/2015

CITY COUNCIL MEETING:

FINAL PLAT

Mulberry Estates Phase 9 Case No. 2014-FP-076

Request:

Approval of a 16 Lot Residential Subdivision Final Plat

Representative:

Brad Petersen, Development Solutions 120 East St. George Blvd, Suite #300

St. George, UT 84770

Property:

Located at approximately 2880 East and 3110 South (in the Little

Valley area)

Zone:

R-1-12 (Lots 117-130) and RE-20 (lots 131 & 132)

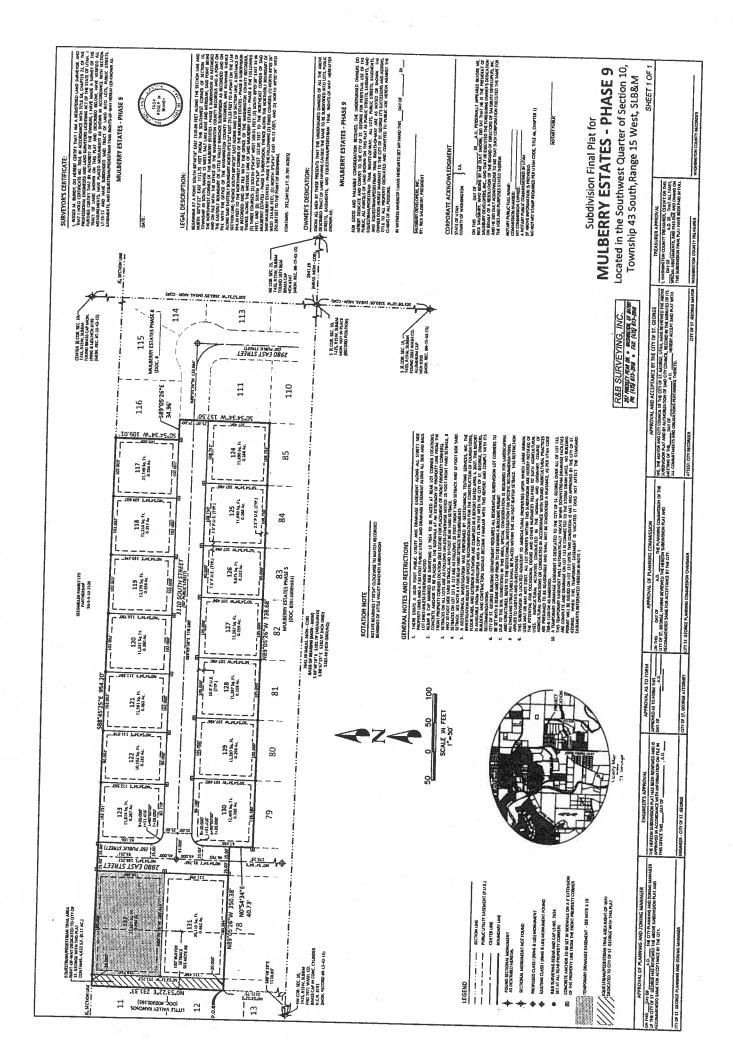
Staff Comments:

All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat

conditions and approvals.

P.C.:

The Planning Commission recommends approval.



PCR ITEM 2B Final Plat

PLANNING COMMISSION AGENDA REPORT:

02/24/2015 03/05/2015

CITY COUNCIL MEETING:

FINAL PLAT

Sun River St. George Phase 46

Case No. 2014-FP-059

Request:

Approval of a 26 Unit Residential Subdivision Final Plat

Representative:

Brandon Anderson, Rosenberg Associates

352 E. Riverside Drive #A2 St. George, UT 84790

Property:

Located along Whitestone Drive between Pearl Vista Drive and

Blue Star Drive (at approximately 1350 West and 5100 South)

Zone:

PD-R

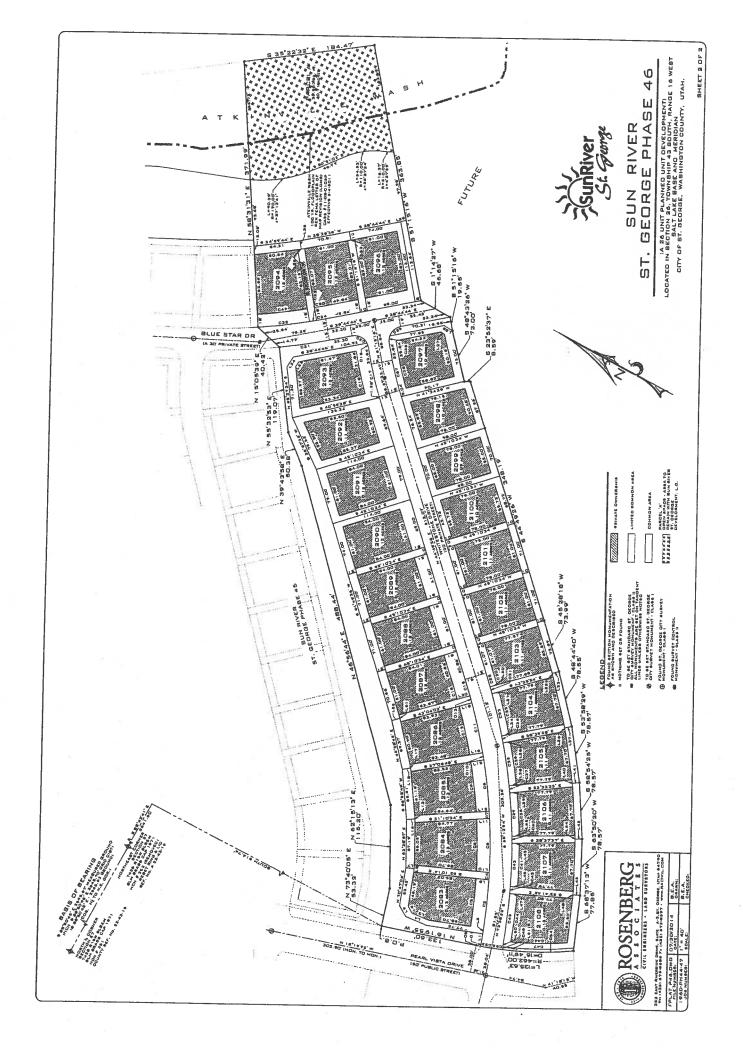
Staff Comments:

All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat

conditions and approvals.

P.C.:

The Planning Commission recommends approval.





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PCR ITEM 2C

Roadway Dedication Final Plat

PLANNING COMMISSION AGENDA REPORT:

CITY COUNCIL MEETING:

02/24/2015 03/05/2015

ROADWAY DEDICATION FINAL PLAT

2350 East Street & Horseman Park Drive Roadway Dedication Plat Case No. 2015-FP-006

Request:

Approval a Roadway Dedication Final Plat

Representative:

Scott Woolsey, Alpha Engineering

43 South 100 East #100 St. George, UT 84770

Property:

Located at approximately 2350 East and 3220 South (Little Valley

area near The Fields at Little Valley Park, Sunrise Ridge Intermediate School, Little Valley Elementary School)

Zone:

N/A

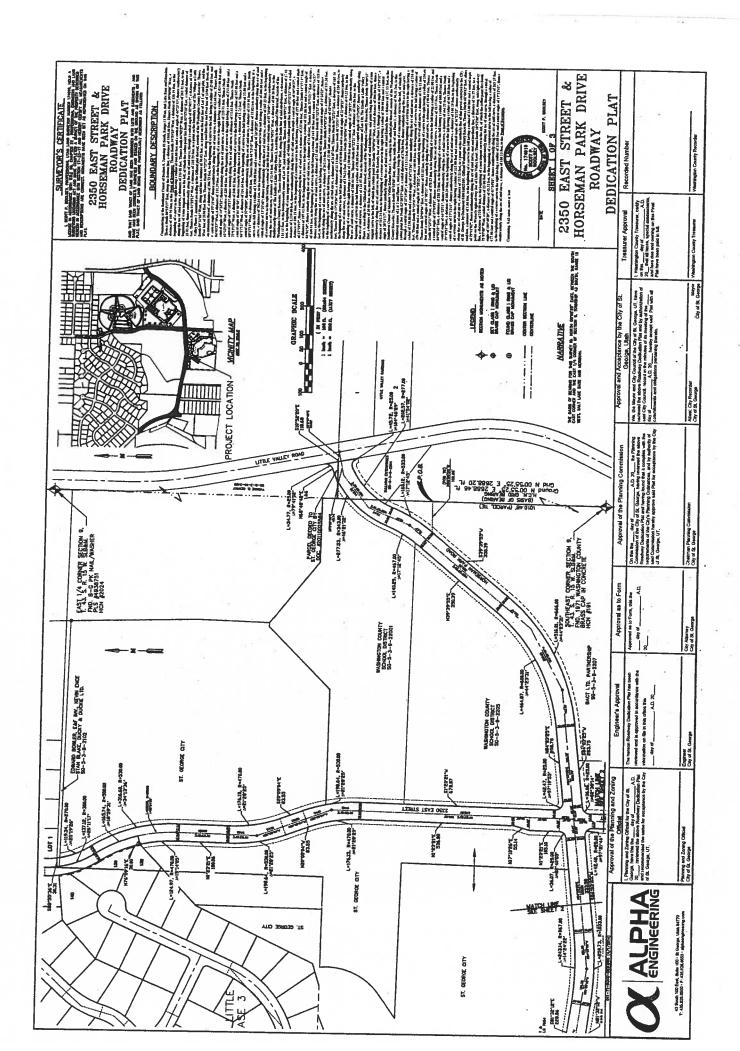
Staff Comments:

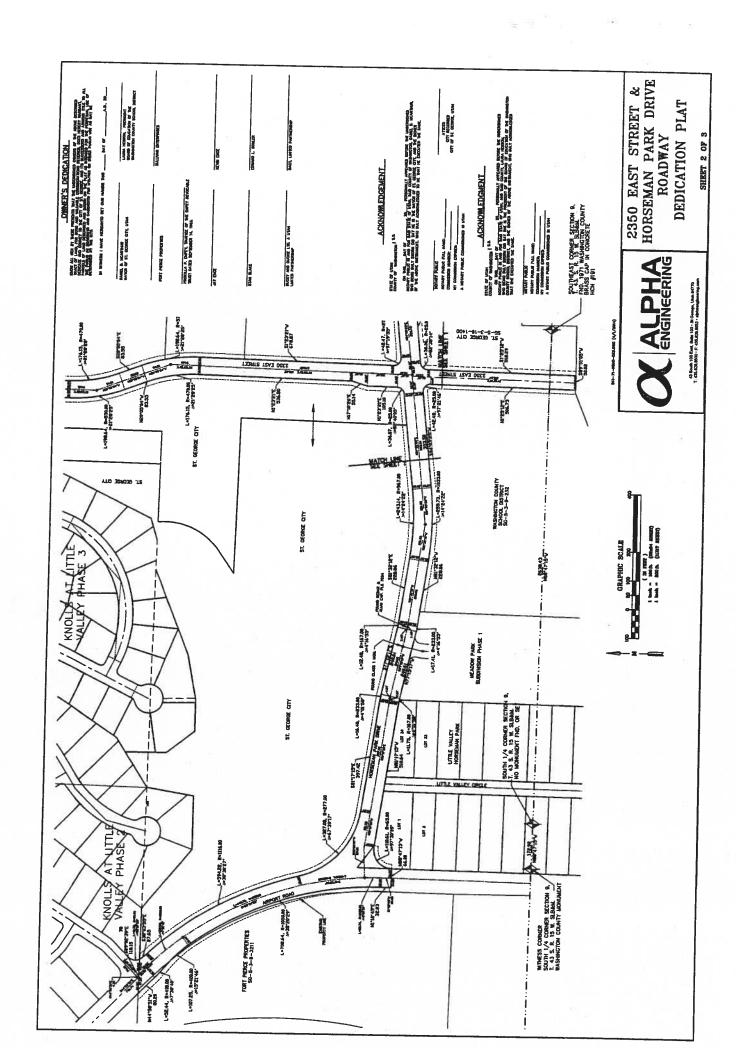
All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat

conditions and approvals.

PC.:

The Planning Commission recommends approval.





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DEDICATION PLAT

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PCR ITEM 3A **Preliminary Plat**

PLANNING COMMISSION AGENDA REPORT:

02/24/2015 03/05/2015

CITY COUNCIL MEETING:

PRELIMINARY PLAT

Riverside Business Park Case No. 2015-PP-003

Request:

A request to approve a preliminary plat for a three (3) lot commercial

subdivision

Location:

359 and 377 East Riverside Drive

Property:

4.00 acres

Number of Lots:

3

Density:

N/A

Zoning:

C-3

Adjacent zones:

This plat is surrounded by the following zones:

North = C-3, South = C-3, East = R-4, and West = C-3

General Plan:

COM (Commercial)

Applicant:

Wes Davis

Representative:

Wes Davis

Comments:

The applicant is proposing to subdivide the property into three (3) stand alone parcels so that each parcel owner will own the land the building occupies.

Each proposed parcel will have the required number of parking spaces

required for the existing building on the parcel.

Access, utility, and drainage easements shall be required for proposed parcel

3 through proposed parcel and 2.

P.C.:

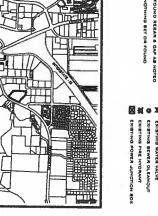
Subject to legal review, the Planning Commission recommends approval.

RCEL NO. 80-9-3-31-8343 RIVERSIDE BLM LD 0 PARCEL NO. 80-8-1-31-3438 LOT 2 58,850 sq. rt. CASEMENT MISSION PLACE SITE DATA PROJECT DWNER/ DEVELOPER BULATO 19V3 84 CAST TABERNADLE 85. GEDRGE, UT 84770 PROJECT RUGINEER ROSENSESS ASSICATES SSIEASE SINCESSES SNIVE, SUITE AS ST. GEORGE, UT SA790 G-9 GENERAL NOTES & RESTRICTIONS: DEVICENT AS SHOWN ON THIS FLAT ASK PROVIDED FOR THE SCHITT OF ALL LOTS AS SHOWN AND PLATED. THE DESIS ADDRESS EXSERVED SHALL SE HANTANCO AS SEQUENCO FOR ALL LOTS TO REASONABLY SE DANNIED VONDLE ADDRESS. NOTHING BET OR FOUND FOUND REBAR & CAP AS NOTEO TOUND BEGTION MUNIMENTATION

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LOGATED IN SECTION 31, TOWNSHIP 42 SOUTH,
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SITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH.

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PCR ITEM 3B **Preliminary Plat**

PLANNING COMMISSION AGENDA REPORT:

02/24/2015 03/05/2015

CITY COUNCIL MEETING:

PRELIMINARY PLAT

Tupelo Estates Phase 3 Case No. 2015-PP-004

Request:

A request to approve a preliminary plat for a five (5) lot residential

subdivision

Location:

3230 S Amaranth Drive

Property:

1.33 acres

Number of Lots:

5

Density:

3.8 dwelling units per acre

Zoning:

R-1-8

Adjacent zones:

This plat is surrounded by the following zones:

North -South -East -West -

General Plan:

Low Density Residential (LDR)

Applicant:

Development Solutions Group, Inc.

Representative:

Steve Kamlowsky

Comments:

This Preliminary Plat is part of the overall Tupelo Estates subdivision.

Tupelo Estates Phase 1 and 2 Preliminary Plats have already been approved by Council.

The developer is requesting lot size averaging with this phase as was also

requested in the first two phases.

The density for this phase exceeds 3.7 du/ac for an R-1-8 subdivision; however, when included with Phases 1 and 2 the overall density will be 3.6

du/ac.

2015-PP-004 Tupelo Est Ph 3 Page 2 of 2

Lot 51 is proposed to not be a lot, but to instead be a common area.

P.C.:

The Planning Commission requested that the plat be revised before presentation to the City Council to remove Lot 51 and that the property be identified not as a lot, but as a common area per discussions which occurred at the PC meeting.

The PC requested that the data box be revised before council.

The Preliminary Plat will be subject to Legal department review and approval.

If the corrections are made and legal reviews, then approval is recommended.

Į. ALL STREETS TO BE PUBLIC MIGHT-OF-WAY, CONSTRUCTED TO CITY THIS SITE IS NOT LOCATED WITHIN A MILISTIC OVERLAY ZONE. 2665.25 (FEFT) H.C.N. #191 BENCHMARK SITE DATA: NOTES: LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 SOUTH, RANGE 15 WEST, S.L.B.&M. TUPELO ESTATES PHASE 3 **PRELIMINARY PLAT** AASS OF BEANING ISW COR. TO SE COR. 5 567-47126 (S.S.277) (M.E.A.S.RED) 5 587-4725° E. S.S.S.S.S.P. (M.C.) 2641.36 (S.M. COR. TO SE M. COR.) OAKWOOD ESTATES SUBDIVISION 38AH9 Ž

TUPELO ESTATES
PHASE 3
LOCATED IN ST. GEORGE, UTAH
PRELIMINARY PLAT

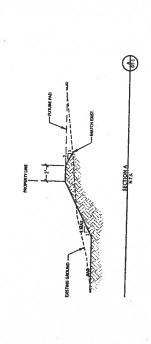
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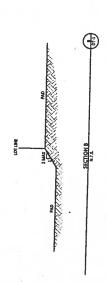
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PCR ITEM 3C Preliminary Plat

PLANNING COMMISSION AGENDA REPORT:

02/24/2015 03/05/2015

CITY COUNCIL MEETING:

PRELIMINARY PLAT

Hawthorn Estates - Amendment

Case No. 2015-PPA-005

Request:

A request to approve a preliminary plat amendment for a fifty-six (56) lot

residential subdivision

Location:

3000 East Crimson Ridge Drive

Property:

18.53 acres

Number of Lots:

56

Density:

3.0 dwelling units per acre

Zoning:

R-1-10

Adjacent zones:

This plat is surrounded by the following zones:

North -R-1-10South - R-1-10 East - R-1-10West -R-1-10

General Plan:

Low Density Residential (LDR)

Applicant:

Development Solutions Group, Inc

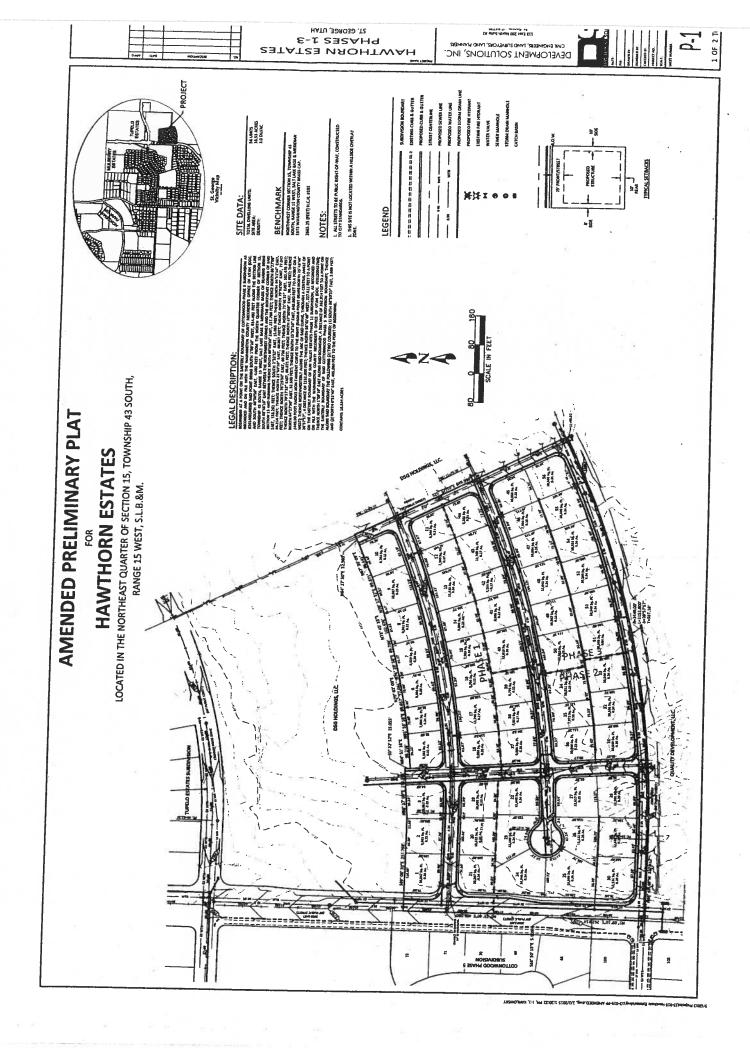
Representative:

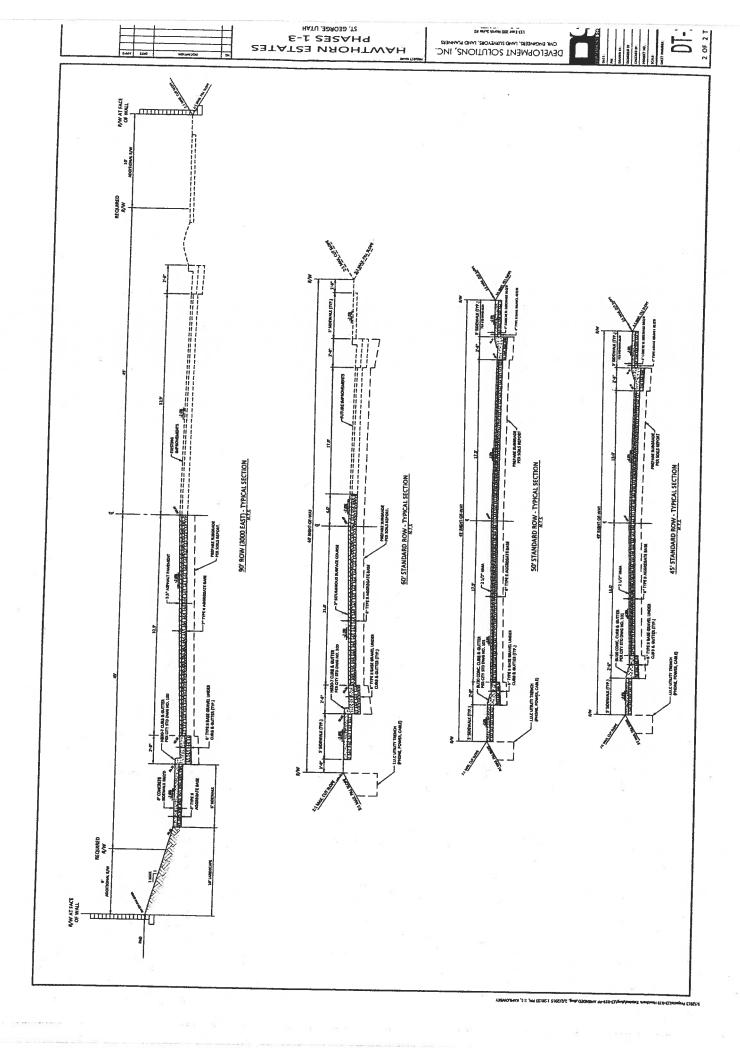
Steve Kamlowsky

Comments:

P.C.:

The Planning Commission recommends approval.





DRAFT

Agenda Item Number : 6E

Request For Council Action

Date Submitted 2015-02-24 08:20:44

Applicant Mr. Sterling Norton

Quick Title CUP for a towing and impound yard

Subject Consider a request for permission to establish "Freedom

Towing,†a towing and impound yard in the Ft Pierce Industrial Park. The property is located at 4379 Progressive Drive and is zoned M-1 (Industrial). The applicant and representative is Mr. Sterling Norton.

Discussion The applicant operates a towing business and is proposing a new

location to store impounded vehicles. The Zoning Code has specific requires for screening and outside storage. Planning Commission

recommends approval.

Cost \$0.00

City Manager Planning Commission recommends approval with some conditions

Recommendation such as screening and hours of operation, etc.

Action Taken

Requested by John Willis

File Attachments

Approved by Legal Department?

Approved in Budget?

Amount:

Additional Comments

PCR ITEM 4A

CUP / Tow & Impound Yard

PLANNING COMMISSION AGENDA REPORT:

CITY COUNCIL MEETING:

2/24/2015 3/5/2015

CONDITIONAL USE PERMIT

Freedom Towing & Impound Yard

Case # 2015-CUP-003

Request:

A conditional use permit for permission to establish a towing and

impound yard in the Ft Pierce Industrial Park.

Building:

Existing buildings on property

Applicant (Lessee):

Mr. Sterling Norton

Freedom Towing 696 N Star Drive

St George, Utah 84790

Zone:

M-1 (Industrial)

General Plan:

Industrial

Location:

4379 Progressive Drive

Ordinance (Use):

Zoning Ordinance Title 10, Chapter 11 "Manufacturing" Section 10-

11-2 "Uses"

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated with the letter "C" are allowed on a conditional use basis. Uses designated as "N" will not be permitted in that zone.

	M- 1	M- 2
ATVs and parts sales and repair (indoor only)		P
Auto salvage yard, storage yards for wrecked or partially dismantled vehicles	С	N
Automobile repair shop		N

Ordinance (Screening):

Per Zoning Ordinance Title 10, Chapter 11 "Manufacturing" Section

10-11-4 "Special Provisions" the old industrial park allows chainlike

fencing with slats for screening (see below)

10-11-4: SPECIAL PROVISIONS:

- A. Storage Enclosed: All storage except vehicles in running order shall be stored in an enclosed building or within an enclosure surrounded by a solid fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall. A solid masonry wall or solid vinyl fence shall be used parallel to the public street(s) where the storage is visible from the public street. Chainlink fencing with slats may only be used for enclosing storage areas in the following situations:
- B.
- 1. After a minimum of three hundred (300) linear feet of solid fencing or wall has been provided to screen the designated storage area, then the remainder of the storage area may upon approval by the planning commission utilize chainlink fencing with slats or other approved alternative screening solutions along the public street frontage.
- 2. Along the interior property lines (or interior fence lines); chainlink without slats may be used. (Ord. 2009-06-001, 6-18-2009)
- 3. Along the public street frontage at approved setback distances in the area known as the St. George industrial park, M-1 zone (in section 20, T42S, R15W). (Ord. 2011-08-003, 8-4-2011)

If a movable gate is used, it may be constructed of chainlink, chainlink with slats, wrought iron, solid, or perforated metal.

All chainlink fencing with vinyl slats shall be maintained in good condition; all fallen, broken, or missing slats shall be replaced. No wooden slats may be used. (Ord. 2009-06-001, 6-18-2009)

The planning Commission recommends approval with the suggested conditions and **P.C.:** findings:

Conditions:

- 1. CUP required; A CUP is required per Section 10-11-2.
- 2. Screening: Per Section 10-11-4.B.3 the site is required to have a wall or fence (w slats). The wall or fence (w/ slats) shall not exceed a maximum height of six feet (6') and shall screen the site from street view.
- 3. Barbed Wire; Per Section 10-18-6 no razor wire shall be installed and if the applicant desires to install barbed wire, it must pulled straight and shall not exceed a total combined height of wall / fence and wire of seven feet (7').

4. Hours of Operation; The applicant shall install a visible sign stating the hours of operation (Note the State of Utah requires 8 am to 5:30 pm for a tow / impound yard). In addition to the hours the sign shall include a contact phone number.

Findings:

The following standards must be met to mitigate the reasonably anticipated detrimental effects if imposed as a condition of approval:

Yes	N/A	Category	Description
Control all noise levels to prevent disturbance of neighbors.		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
Comply with Local, State, and Federal air quality		B. Dust	Comply with all air quality standards, state, federal and local. Use shall not create unusual or obnoxious dust beyond the property line.
Contain all odors to meet city and state standards		C. Odors	 Comply with all air quality standards, state, federal and local. Use shall not create unusual or obnoxious odors beyond the property line.
Any exterior materials to be approved by PC & CC	П	D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
		E. Safety	 Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
PC to Discuss traffic as		F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D".

required.			2. Uses shall follow city access management standards and not
Existing building – no change	X	G. Height	create hazards to other drivers or pedestrians. 1. Buildings shall fit into the overall context of the surrounding area. 2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.
	X	H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
	X	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.
		J. Maintain Character and purpose of zone	Uses shall be consistent with the character and purpose of the zone within which they are located.
Comply with State		K. Public Health	Use shall comply with all sanitation and solid waste disposal codes.
standards			2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

Z:\Planning and Zoning\Common\CUP\2015 CUP\2015-CUP-003 Freedom Towing\Staff Reports\PC 2015-CUP-001 Stf Rprt.doc



Freedom Towing is currently located at 756 N Dixie Dr in St. George, and is looking to move and expand the operation to 4379 Progressive Dr also in St. George. This New location will include a second towing operation (Freedom Towing 2)

We offer only Towing services, providing immediate transport of disabled vehicles to local repair facilities, and temporary securement of police seized vehicles. There are typically 6-20 vehicles that are secured at any given time, awaiting the owner to retrieve their car. As such the average vehicle is stored for 2-10 days, after 30 days the vehicle is auctioned, re titled and / or sold. We do not do any auto salvage, vehicle dismantling, or any sales of used car parts.

The new property has block walls, landscaping, paved parking, and is well out of the way compared to the current location. Here we will have our main office, A second Towing Operation (Freedom Towing 2) and secure place to park our equipment.

Please feel free to call with any questions.

Thank You,

Sterling Norton - owner

Freedom Towing Inc. 435-680-7111



Ft. Pierce Industrial Park Owner's Association

335 East St. George Boulevard, Ste. 301 St. George, UT 84770 P(435)688-9740/Fax(435)688-9741

February 2, 2015

Mr. John Costanza JCOST Holdings, LLC PO Box 3122 St. George, UT 84771

Re: Lot 138, Freedom Towing Final Approval

VIA US MAIL AND EMAIL

Dear John:

Thank you for your submittal of both signage and fence slat material in response to our letter dated January 27, 2015.

As submitted, the materials have been approved by the Board of Trustees. Please see the attached signage proof that was submitted.

If you have any further questions, please don't hesitate to contact me at your convenience.

Sincerely,

Steven Jennings, Secretary

FORT PIERCE INDUSTRIAL PARK St. George, Illum

Ft. Pierce Industrial Park Owner's Association

335 East St. George Boulevard, Ste. 301 St. George, UT 84770 P(435)688-9740/Fax(435)688-9741

January 27, 2015

Mr. John Costanza JCOST Holdings, LLC PO Box 3122 St. George, UT 84771

Re: Lot 138, Freedom Towing Request for Approval

VIA US MAIL AND EMAIL

Dear John:

This letter is in response to your recent request for approval of the proposed use by Freedom Towing of your building located on lot 138 of the Fort Pierce Industrial Park. We appreciate the request, and your willingness to work with the Board is greatly appreciated.

The request, as outlined in the attached letter from Mr. Sterling Norton, has been approved. As part of this approval, please note the following contingencies:

- 1. Future signage to be associated with this project must be approved in writing by the Board of Trustees.
- 2. It is assumed that there is sufficient existing parking to comply with parking requirements under section 6.10 of the CC&R's as well as any applicable St. George City zoning requirements. Please note that if additional parking is needed in the future, this may be an issue. Please also be aware that the paved parking area in front of the building is to be used for short-term employee/customer parking only.
- 3. Section 6.4 of the CC&R's expressly prohibits both the salvage, wrecking, or stripping of vehicles and the storage or parking of a vehicle outside the building for more than 90 consecutive days. It is preferrable, however, that the vehicles not remain longer than 30 days as outlined in the attached letter. These provisions must be complied with as a contingency to this approval.
- 4. As represented by Mr. Norton, all wrecked vehicles stored on the lot for short time periods must be stored behind the building and out of view

from the street. If there are complaints in the future, the Board may readdress this issue.

5. In reference to section 6.5(k) of the CC&R's, the Board is requiring that the chain-link fencing around the property, including the two entrance gates, be screened with opaque slats or another similar application. Material is to be approved by the Board.

Please return, in writing, your acceptance of these contingencies for a final approval to be issued. If you have any further questions regarding these issues, please don't hesitate to contact me at your convenience.

Sincerely,

Steven Jennings, Secretary





DRAFT

Agenda Item Number : 6F

Request For Council Action

Date Submitted 2015-02-24 08:33:02

Applicant Jared Wade

Quick Title CUP to construct a detached accessory structure 21' in height

Subject Consider a request for a Conditional Use Permit to construct a

detached accessory structure with a maximum ridge height of approximately twenty-one feet (21') and wall height of approximately fourteen feet (14') for personal auto and RV storage. The structure will be lap siding with a tile roof and be 1,000 s.f. (50' x 20'). The applicant is Mr. Jared Wade. The property is zoned RE-37.5 (Residential Estates, 37,500 s.f. minimum lot size).

Case No. 2015-CUP- 004.

Discussion The applicant is requesting an accessory structure over the permitted

15', therefore, as CUP is required. The proposal is a maximum building height of approximately 21'. The structure will be the same building materiel as the main house, meet all the setbacks, and will be located out of all easements. Planning Commission recommends

approval.

Cost \$0.00

City Manager Planning Commission recommends approval as is similar to other

Recommendation accessory structures in the community.

Action Taken

Requested by John Willis

File Attachments

Approved by Legal Department?

Approved in Budget? Amount:

Additional Comments

PCR ITEM 4B CUP / Garage Height

PLANNING COMMISSION AGENDA REPORT: 02/24/2015 CITY COUNCIL MEETING: 03/05/2015

CONDITIONAL USE PERMIT

Case No. 2015-CUP-004

Request:

To construct a detached accessory structure with a maximum ridge height of approximately twenty-one feet (21') and wall height of approximately fourteen feet (14') for personal auto and RV storage. The structure will be lap siding with a tile roof and be 1,000 sq. ft. (50 ft. x 20 ft.)

Property:

The property is located at 2479 east 3860 south.

Applicant:

Jared Wade

2479 east 3860 south St George, Utah 84790

Zoning:

RE-37.5 (Residential Estates)

Ordinance:

The Title 10, Chapter 7A "HEIGHT REGULATIONS," Section 10-7A-4:B. reads: "No accessory building shall be erected to a height greater than fifteen feet (15') unless reviewed by the planning commission and approved by the city council as a conditional use permit." This structure will be \pm twenty one feet (21') in height, thus necessitating the purpose of this conditional use permit request.

The proposed structure has a fourteen (14') feet high building wall and approximately twenty-one (21') feet overall height, thus necessitating the purpose of this conditional use permit request. The RE-37.5 zoning district has specific regulations for accessory structures and does allow accessory structures to be setback two (2') feet from property line. The applicant is proposing a ten (10) feet setback from rear and side property line and is locate out of all easements.

Adj. Land:

Single-family residences

Notice:

Notice letters were sent to property owners within a 300 ft. radius and notice was posted in four (4) public places: the City website, State website, and on two (2) bulletin boards in the City.

Comments:

- 1. The property is an interior lot with frontage & access on 3860 south street.
- 2. According to the applicant, the garage will be for personal auto and RV storage.
- 3. The proposed detached structure will be setback 10 ft. from the rear and side property line. Proposed side and rear yard setback is in

compliance with code. RE-37.5 zoning district does not require a greater setback due to a higher wall, nor does it limit the height of walls. The structure will be approximately 79' feet from the existing home.

- 4. The proposed height to the ridge is twenty-one feet (21') to accommodate an RV.
- 5. The proposed structure will not encroach onto any City easements.
- 6. The detached structure will be constructed of wood with a lap siding exterior finish and a tile roof. The proposed garage does match the exterior finishes of the main house.

Planning Commission:

Planning Commission recommended approval.

Findings:

The following standards must be met to mitigate the reasonably anticipated detrimental effects **if imposed** as a condition of approval:

Yes	N/A	Category	Description
	N/A	A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
	N/A	B. Dust	Comply with all air quality standards, state, federal and local. Use shall not create unusual or obnoxious dust beyond the property line.
	N/A	C. Odors	Comply with all air quality standards, state, federal and local. Use shall not create unusual or obnoxious odors beyond the property line.
The detached structure will be constructed of lap siding and a tile roof.		D. Aesthetics	 Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
	N/A	E. Safety	 Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rock fall, erosion, flooding, fire, hazardous materials, or related problems. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
	N/A	F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
The detached structure will be approximately 21 feet in neight.		G. Height	 Buildings shall fit into the overall context of the surrounding area. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and
	N/A	H. Hours of Operation	including its relationship to nearby ridges, hills, and buildings. 1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.

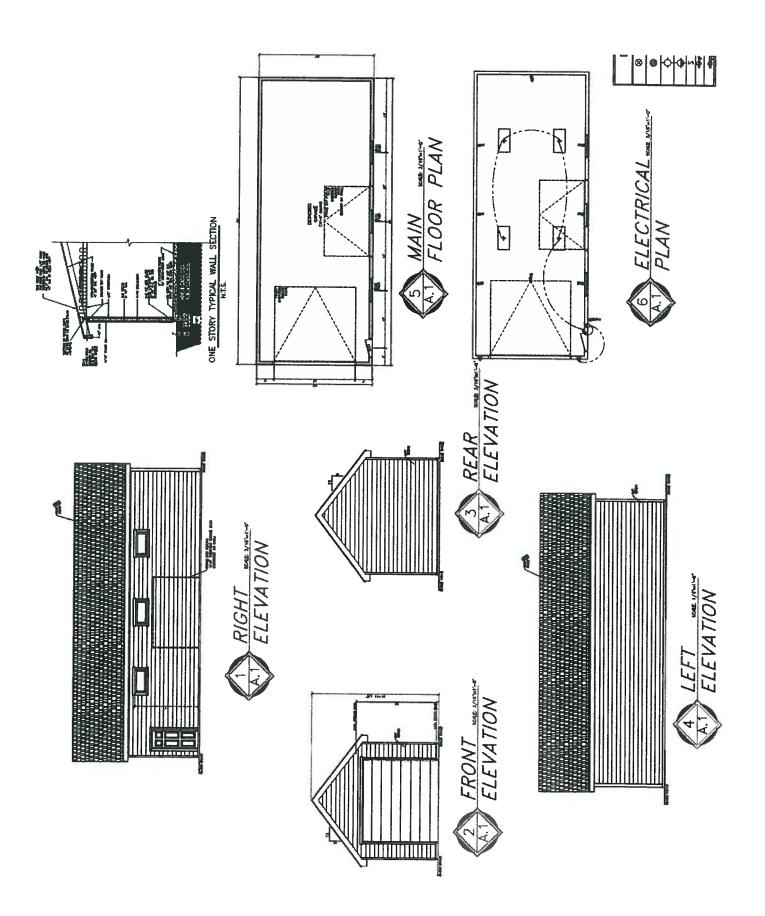
2015-CUP-004 Detached Accessory Structure Page 3 of 2

	N/A	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.
This detached structure is within the existing character of the residential estate zone.		J. Maintain Character and purpose of zone	Uses shall be consistent with the character and purpose of the zone within which they are located.
	N/A	K. Public Health	Use shall comply with all sanitation and solid waste disposal codes. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

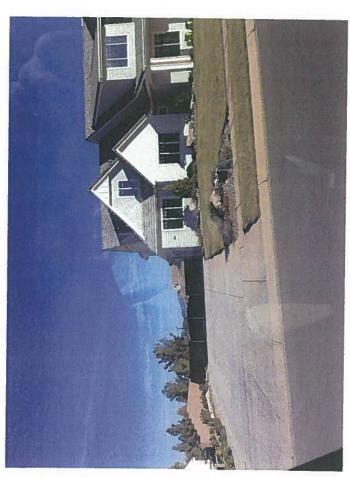
Z:\Planning and Zoning\Common\CUP\2015 CUP\2015-CUP-004 Garage Height 2479 E 3860 S WADE\StaffReport\PC 2015-CUP-004_2479E3860S_GarageHeight.docx



Overhead Vie







CONDITIONAL USE PERMIT APPLICATION & CHECKLIST



I. PROPERTY OWNER(S) / APPLICANT INFORMATION
APPLICANT: (If different than owner) MAILING ADDRESS: 2479 E. 3860 South
PHONE: 80-230-3631 CELL: SAME FAX: E-MAIL ADDRESS: JURGO GROUP AMOU GON LOCATION OF SUBJECT PROPERTY: 2479 E 3860 S.
CONTACT PERSON / REPRESENTATIVE (if applicable):
PHONE: CELL: FAX: E-MAIL ADDRESS:
II. PROPERTY INFORMATION REFRES ZONING: SUBDIVISION: MESSAN AUGY
TAX I.D. NUMBER (PARCEL SERIAL NUMBER): SC-MVF-1-4
EXISTING USE: Use of property and/or Buildings
PROPOSED USE: Use of property and/or Buildings.
OFFICE STAFF USE ONLY CASE NO. 2014-CUP-ON-FILING DATE: 2

III. SUBMITTAL CHECKLIST

- 1. General Information Form completed. (This application-first page)
- Mailing Labels Property Owner's (The mailing labels can be obtained from the Washington County Recorder's Office)
- 3. Radius Map Property Owner's- identifying all properties within the required 300 ft. radius. (The radius map can be obtained from the Washington County Recorder's Office).
- 4. Narrative minimum one (1) page of proposed use. (ALL projects).
- 5. Two (2) copies of the Subdivision Plat.
- □ 6. Two (2) copies of the Site Plan minimum size 22" x 34" (ANSI D).
- 7. Two (2) copies of the Elevation(s) minimum size 22" x 34" (ANSI D) for building height requests
- 8. One (1) copy (each) 8-1/2" x 11" reduction of the subdivision plat and site plan.
- 9. One (1) copy 8-1/2" x 11" reduction of the elevation(s) for building height requests.
- 10. Color and Materials Board (or approved equivalent as required).
- 11. Payment of \$300.00 filing fee by Check or Money Order.

IV. SITE PLAN REQUIRED INFORMATION CHECKLIST

- Current address of project, County Assessor's parcel number(s), and the applicant's and plan preparer's name, address, email address, phone and fax numbers.
- 2. North Arrow and scale.
- □ 3. Property Lines, with dimensions, and the location, width and description of any easements.
- 4. Existing and proposed streets, including names, centerlines, widths, and future rights of way and improvements.
- 5. Show existing fire hydrants within 300 feet of the project site.
- ☐ 6. Show proposed Fire Department access lane(s) (if applicable).
- 7. Show and dimension all existing and proposed buildings and structures;
 - Show distances between existing and/or proposed buildings.
 - Show distances from existing and/or proposed buildings to property line.
 - Show all required and proposed building setback lines.
 - Show any nearby buildings, proposed or existing, within 30 feet of the subject property lines.
 - Show proposed walls, fences, trash enclosures, accessory buildings, etc.
- 8. Show proposed and existing parking, driveways and on-site access points (where applicable show any off-site parking within the vicinity). Indicate width of driveways and drive aisles, and show distances between driveways. Show parking space dimensions, handicapped accessible spaces, and indicate one-way and two-way drive aisles.
- Show any significant natural features such as rock outcroppings and water courses.
- 10. Show proposed landscaping, including quantity and, locations; a separate landscaping plan may be substitutes instead of showing information on the site plan.
- 11. Show locations and dimensions of pedestrian access ways, loading areas, and access to service areas.

- 12. Show proposed lighting fixtures in parking areas, adjacent to walkways, and on buildings, and indicate type.
- 13. Show all existing and proposed public improvements, including water, sewer, catch basins, curbs, gutters, sidewalks, street lights, signals, power lines, utility vaults, and utility poles.
- 14. Show existing contour lines and proposed contour lines indicating finished grade on the site; a grading plan may be substituted instead of showing contours on the plan, if desired.
- 15. Show location of on-site and off-site drainage, both existing and proposed.
- 16. Provide a legend (data box) on the site plan that includes:
 - a. Current Zoning
 - b. Total lot square footage
 - c. Total building square footage
 - d. Percentage of Lot Coverage
 - e. Setbacks (Existing and/or Proposed)
 - f. Building Height (Proposed)
 - g. Parking (show calculations)
 - h. Open Space
 - i. Landscaping (show calculations and % of coverage)
 - j. Proposed Use (e.g. restaurant, retail, office, etc.)(show square footage allocated to each use within building(s).
 - k. For multiple family residential projects; include unit type, number of bedrooms, square footage per unit, unit mix, etc.
 - 1. Indicate the intended occupancy type of all buildings.
 - m. Identify building sprinkled and/or non-sprinkled

V. GENERAL STANDARDS FOR APPROVAL OF CONDITIONAL USES (Section 10-17-7)

The following standards must be met to mitigate the reasonably anticipated detrimental effects if imposed as a condition of approval: (if category applies, attach a separate sheet with explanation)

Yes	N/A	Category	Description
		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
		B. Dust	 Comply with all air quality standards, state, federal and local. Use shall not create unusual or obnoxious dust beyond the property line.
		C. Odors	1. Comply with all air quality standards, state, federal and local.
		D. Aesthetics	 Use shall not create unusual or obnoxious odors beyond the property line. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
		E. Safety	1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rock fall, erosion, flooding, fire, hazardous materials, or related problems.

F. Traffic	Uses shall not locate within the 100-year flood plain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than any local state.
	grade or fall below a level of service "D".
	2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
G. Height	1. Buildings shall fit into the overall context of the surrounding area.
	2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.
H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas
J. Maintain Character and purpose of zone	Uses shall be consistent with the character and purpose of the zone within which they are located.
K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes.
	2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

VI. COMMENTS

1.	Please be aware that, if determined necessary by City staff, additional information and/or special studies may be required to review the project. These studies may include, but not be limited to: a soils report, hydrolog report, traffic study, etc.					
2.	Until the following information is submitted, your application will be considered incomplete:					

- 3. The applicant has the ability and intention to utilize said CONDITIONAL USE PERMIT within twelve (12) months from date of final approval by the City Council; and the applicant understands this CONDITIONAL USE PERMIT application, if granted, becomes null and void and of no effect if unused within twelve (12) months from the date of filing the application, or if any time after granting the use is discontinued for a period of twelve (12) months, or developed by someone other than the applicant
- 4. A CONDITIONAL USE PERMIT approval does not eliminate the necessity of obtaining a building permit, which is required for construction of all buildings in the project.

5. Are there any deed res restrictions, if applicable	trictions affecting the use of the property involved? Give the expiration date of these e.
issuance of a certificate improvements cannot be other unusual circumstate financial guarantee acc	nents such as pavement for parking areas, curb and gutter, privacy walls, landscaping, and all other improvements required under City Ordinance shall be completed prior to the e of occupancy or approval for permanent electric power service. In the event such e completed prior to receiving permanent or a certificate due to weather conditions or ances, a financial guarantee in the form of a cashiers check, bond, escrow, or other eptable to the City attorney shall be provided to the City guaranteeing that such fully completed within ninety (90) days of the issuance of permanent power and/or a
VII. APPLICANT AGR	EEMENT
I (we) have read and unde accurate to the best of my	rstood the requirements of this application and all information is true and (our) abilities.
Signature	2-11-15
	Date
Signature	Date

ST. GEORGE CITY COUNCIL MINUTES REGULAR MEETING DECEMBER 18, 2014, 5:00 P.M. CITY COUNCIL CHAMBERS

PRESENT:

Mayor Jon Pike
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
City Manager Gary Esplin
City Attorney Shawn Guzman
City Recorder Christina Fernandez

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Troop 1779, and the invocation was offered by Reverend Jimi Kestin.

Reverend Jimi Kestin mentioned the 10^{th} annual Prayer Over the City event that will take place at the Tabernacle on January 1, 2015 at noon.

Mayor Pike invited Steve Bingham with the Leisure Services Department to make a presentation.

Steve Bingham introduced Michelle Graves and Adam Wade. He mentioned that Stephen Wade (Adam's father) has sponsored many special events over the past year. Additionally, he has given \$10 per participant for the youth sports program. He presented a video showing what Stephen Wade has done for the community. Michelle Graves presented Adam Wade with a piece of art work and thanked his family for everything they do.

Mr. Wade explained that his father is not present as he is in Washington DC. They are grateful to be in the community and are honored to be recognized.

Mayor Pike introduced Laurie Mangum, the new Energy Services Director.

Ms. Mangum explained that she has previously worked in the Power Department for 17 years and moved out of state for a couple of years. She is happy to be home.

Mayor Pike mentioned that he was at the Dixie Center where KONY Coins for Kids was in full swing. Additionally, he was at Walmart while they were shopping. Over 1,300 children will be receiving gifts this Christmas because of the Coins for Kids program.

HANGAR ONE LEASE:

Consider approval of an extension to the Hangar One lease. Lynn Ginocchio, applicant.

City Manager Gary Esplin advised this is the continuing lease with Lynn Ginocchio for FedEx at the old Airport. They have been delayed in getting their new space. For the moment there is no use for the space. The lessee will pay \$1600 per month.

MOTION: A motion was made by Councilmember Hughes to approve the lease

extension to March 31.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

FINANCIAL REPORT:

Consider approval of the financial report for November, 2014.

City Manager Gary Esplin stated that the City is still in great shape. The revenue report includes comments that the revenues are not meeting; however, property taxes do not come in until December.

Councilmember Arial inquired if it is known what the Christmas season has done.

City Manager Gary Esplin advised that will not be known until March.

Mayor Pike commented that he attended the grand opening for the new Biolife location. Between the two centers, they will have 110 employees. He hopes the retail will follow suit.

Councilmember Arial mentioned that everyone was raving about the Gingerbread Tour that took place downtown.

City Manager Gary Esplin stated that staff has received a lot of great comments on the Christmas lights as well. He thanked the Parks Department for installing them.

MOTION:

A motion was made by Councilmember Hughes to approve the financial

report for November 2014.

SECOND: VOTE: The motion was seconded by Councilmember Almquist.

Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

CHANGE ORDER:

Consider approval of a change order for Jviation Inc. (formerly Creamer and Noble) to provide construction management support for the All Abilities Park project.

City Manager Gary Esplin advised this item is a change order for construction management for the All Abilities Park. The first phase of construction will begin in January. The numbers are below the estimates which he believes is indicative of providing support to this project. He recommends approval.

MOTION:

A motion was made by Councilmember Almquist to approve the change order for Jviation Inc. (formerly Creamer and Noble) for the consultation

and construction management support for the All Abilities Park project.

SECOND:

The motion was seconded by Councilmember Arial.

VOTE:

Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of the annual blanket bid for road materials.

Purchasing Manager Connie Hood advised that this bid is done annually for asphalt, sand and gravel. This year the recommendation is to award the bid to Western Rock as they were the low bidder, Sunroc will be secondary. The amount is not to exceed \$100,000.

A motion was made by Councilmember Hughes to approve the blanket bid not to exceed \$100,000 to Western Rock and Sunroc as the secondary. **MOTION:**

The motion was seconded by Councilmember Randall. SECOND:

Councilmember Almquist inquired if staff always spends up to that amount.

Ms. Hood explained that typically staff will spend this amount plus 10% and is based in on the prior year's use.

City Manager Gary Esplin mentioned that in the past if an increase is needed, it has come before the City Council for approval.

Mayor Pike called for a vote, as follows: VOTE:

> Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

AGREEMENT:

Consider approval of an agreement with Rosenberg Associates, Inc. for design and construction management services for the Sand Hollow Wash Restoration project.

City Manager Gary Esplin advised this item has been in the works for a number of years. This agreement is for work along the Sand Hollow Wash near Sunset Boulevard and 2000 North. The new concept would be a different alignment and material. Staff has been working with the property owner to secure the final easement. FEMA and Washington County Flood Control Authority will cover portions of the cost.

Purchasing Manager Connie Hood explained that the amount for the design and construction management services is \$59,270.

City Manager Gary Esplin stated that funds were budgeted this year to cover the City's match.

MOTION: A motion was made by Councilmember Randall to approve the design

agreement and construction management services with Rosenberg Associates, Inc. for the Sand Hollow Wash Restoration project in the amount of \$59,270.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

> Councilmember Almquist - aye Councilmember Hughes - aye

Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

Councilmember Almquist commented that projects such as this is why the Washington County Flood Control Authority was created.

AGREEMENT:

Consider approval of an agreement with Jviation Inc. (formerly Creamer and Noble) to design the River Road/Ft. Pearce Wash Bridge widening project.

City Manger Gary Esplin advised staff recognizes that River Road is due for improvements. Once the old Airport is finalized, funds will be available to complete the project. Staff has been working with the MPO to get funds assigned and to reallocate funds. The contract would look at 2450 South to Brigham Road.

Purchasing Manager Connie Hood explained that the actual cost is \$182,405 and the agreement will be with Jviation Inc. The agreement will include the Ft. Pearce Bridge design.

MOTION: A motion was made by Councilmember Hughes to approve the agreement

with Jviation for the design of the River Road/Ft. Pearce Wash Bridge

widening project in the amount of \$182,405.

SECOND: The motion was seconded by Councilmember Arial.

Councilmember Bowcutt inquired if this will include Horseman's Park.

Public Works Director Cameron Cutler replied yes.

Mayor Pike advised that it may also include a traffic signal at that intersection. He mentioned the intersections in which traffic signals are going to be installed.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

ROAD CLOSURE:

Consider approval of request for a partial road closure of 2100 West Street from Tuweap Drive to 2000 North as well as partial lane closures on 2000 North Street and Tuweap Drive for the Desert City Crit Series cycling event. Jordan Bracken, applicant.

Jordan Bracken, applicant, explained that they are a race company that just formed in St. George. They would like to hold a cycling event for road bikes called a criterium race. The road closure will begin between 10:00 a.m. - 11:00 a.m. They are utilizing an area that does not have much traffic.

City Manager Gary Esplin stated that there may be conflicts with the neighbors. He asked if they are closing the road completely.

Mr. Bracken explained that they are partially closing the roads.

A motion was made by Councilmember Randal to approve the partial road closure of 2100 West Street from Tuweap Drive to 2000 North for the **MOTION:**

Desert City Crit Series.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

> Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

PLACEMENT OF SIGNS:

Consider approval of request for the placement of a banner on the Historic Courthouse at 97 East St. George Boulevard as well as the placement of directional signs advertising the Arts to Zion event. Bobbi Wan-Kier, applicant.

Bobbi Wan-Kier, applicant stated that the county-wide event is the Arts to Zion event. She mentioned the map from last year's event and explained the map and how the event will work. They are fiscally sponsored by the Southern Utah Art Guild and have been using the Red Cliff Gallery. They are requesting to have "Artsy", the lizard, and a banner be placed at the St. George Chamber of Commerce building.

Councilmember Bowcutt inquired how long will the banner will be there.

Ms. Wan-Kier stated that the banner will be in place from January 6th to approximately January 19th. She introduced Michael Foot, the president of the Southern Utah Art Guild.

Mr. Foot commented that they are making southern Utah an art destination. Their membership has risen to approximately 135 members since their first art show in June. They are anxious to see what happens with the Electric Theater.

Ernie Doose, with the DiFiore Center, thanked the Mayor and Council for their support. They like to show work done by new artists. He explained that they are dedicating March for a student art exhibit and in April they will have a Washington County art show. During the Arts to Zion Tour, they will be featuring student art.

Ms. Wan-Kier introduced a couple of artists that came with her.

A motion was made by Councilmember Arial to approve "Artsy" and a MOTION:

banner at the Chamber of Commerce building as well as directional signs.

SECOND: VOTE: The motion was seconded by Councilmember Almquist.

Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

SET PUBLIC HEARINGS:

Planner Ray Snyder advised that the Planning Commission, at its meeting held December 9, 2014, recommended public hearings be set for January 8, 2015 to consider: 1) a General Plan amendment from low density residential, medium density residential and commercial to commercial on approximately 24.4 acres generally located between 3000 East Street and Mall Drive and 2) a zone change amendment to retain a 4,592 square foot building, to demolish an existing 6,690 square foot building and to construct a 14,558

square foot building addition on property zoned planned development commercial located north of 1600 South Street and east of Black Ridge Drive.

MOTION: A motion was made by Councilmember Randall to set the public hearings

for January 8, 2015.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

LOT LINE ADJUSTMENT:

City Surveyor Todd Jacobsen presented the lot line adjustment for Ideal Automotive (Dealer Collision) located at 184 West 1600 South, zoning is PD-C. The purpose of the lot line adjustment is to move the lot line to make for a larger lot. This item is one of the public hearings just set for a zone change.

MOTION: A motion was made by Councilmember Hughes to approve the lot line

adjustment between the two existing lots located at 184 West 1600 South.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

FINAL PLAT:

City Surveyor Todd Jacobsen presented the final plat for Meadow Valley Estates Phase 4, a 7-lot residential subdivision located at the east end of Mountain Ledge Drive at approximately 2500 East and 2900 South, zoning is RE -12.

MOTION: A motion was made by Councilmember Almquist to approve the final plat.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

LOT SPLIT:

City Surveyor Todd Jacobsen presented a lot split for lot 27 in the Ft. Pierce Business Park area located at 631 Commerce Drive, zoning is M-1. The proposal is to split the lot down the middle and give easements around each parcel for the City. The request has gone through the review board for the Ft. Pierce Business Park and was approved.

MOTION: A motion was made by Councilmember Hughes to approve the lot split at

631 Commerce Drive.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - ayé Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

ONE LOT SUBDIVISION:

City Surveyor Todd Jacobsen presented a one lot subdivision located across the street and to the east of Little Valley Elementary School. The parcel is just over two acres and is zoned R-1-12. This parcel is a possible future site for a Washington County library.

A motion was made by Councilmember Hughes to approve the one lot subdivision for the Washington County library proposed site. MOTION:

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

> Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Assistant Public Works Director Wes Jenkins presented the preliminary plat for Hyde Berry Park, a 27-lot subdivision located between Marigold Way and 1470 South Street, zoning is R-1-10. The developer is requesting lot size averaging. This item was recently approved for a zone change. He mentioned that a revised map was provided prior to the meeting since there were minor changes. It is proposed that a note be added to lot 7 for a secondary access near the lot. He explained that lot 1 will have a 35-foot easement and lots 20-25 will have a 25-foot easement. Additionally, lot 19 of Bloomington Gardens No. 2 a tight curve will be added so that the right-of-way will be at the property line. The existing lots 1-6 will have the sewer drain out the back side of the lots. The developer met with the Sewer Department and they have agreed to dedicate that area to the City. They will also dedicate a portion to the south as well as area near the cul-de-sac.

Councilmember Bowcutt inquired if there was an existing home on lot 19 in Bloomington Gardens.

Mr. Jenkins replied yes. He explained that their access is off Marigold Way.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary

plat for Hyde Berry Park.

The motion was seconded by Councilmember Almquist. SECOND:

Mayor Pike called for a vote, as follows: VOTE:

> Councilmember Almquist - aye Councilmember Hughes - ave Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to operate an offsite open storage RV yard at the Monster Storage facility located at 999 South Main Street. Denis Lyman, applicant.

Planner Ray Snyder presented the request for a conditional use permit to operate an open storage RV yard at Monster Storage on property located at 999 South Main Street, zoning is C-3. Currently, it is a vacant two-acre parcel. He read staff comments and showed pictures of the site, referring to a packet of information provided to each councilmember. He stated that the purpose is to establish an overflow site for Monster storage for RVs, automobiles, trucks and boats with no structures, buildings or canopies. Additionally, he outlined the proposed landscaping plan which includes a solid fence on the west and south. He explained that the guard building and gate are not on the property so they will remain. The applicant submitted a letter proposing a wall on the north perimeter. He read and outlined the issues that were discussed at the Planning Commission meeting including landscaping, building, screening, storage, canopies and off site parking lot. Mr. Snyder stated the applicant proposes keeping the existing masonry fence fronting Main, but remove the ornamental iron, make the fence solid and paint it tan. He then read the comments from the Planning Commission: the site should have complete screening from Main Street; Visual screening is important in this area; the code lists RV storage, but they felt cars, boats, and small trucks could be stored there; and the Planning Commission did not want semi trailers or large trucks. The Planning Commission had a lengthy discussion about the aesthetics, the view of the property while travelling on Main Street, on Bluff Street and from the adjoining properties. The Planning Commission made two motions, both failing to have a unanimous vote which was required since only four commission members were present. One motion was for the block wall to come down, and be moved back to 20 feet. That vote failed. The second vote was to leave the fence at 13 feet back, and that vote failed. The Planning Commission discussed ways to mitigate the concerns by addressing that pavement needed to be added on the back, solid fencing should be considered to be added on the back and the back are considered to be added to be four sides so you can't see in it, all landscaping should meet city standards, colors should be earth tone, gated security and hours of operation specified, no noise generation, and no repairs on site or fluids or creation of environmental issues.

Dennis Lyman, applicant, explained that they accept what the Planning Commission wanted to do in terms of the 6-foot high solid fence for screening.

Councilmember Bowcutt asked Mr. Lyman how wide the driveway is off Main Street.

Mr. Lyman answered that the driveway is approximately 25 feet.

Councilmember Bowcutt commented that he is concerned that it may back up traffic or create a problem because of large RV's slowing traffic on Main Street as they pull into and out of the business. This could create a traffic problem or a hazard.

Mr. Lyman explained that he anticipates that he may create a pocket into the property off the street. The punch pad will be off the street. He hopes there will be no traffic disruption.

Councilmember Almquist inquired if the facility will be unmanned, with no attendant, nothing on site.

Mr. Lyman stated that they will operate the facility from off site at their other business location at the Monster Storage office. He explained that this is long term parking and semi trucks will not be allowed.

Councilmember Bowcutt mentioned that he is surprised that the nearby motels have not commented about this proposal, because this may be an eyesore to motels.

Mr. Lyman commented that they screen the vehicles and may refuse some.

Councilmember Hughes added that he is also concerned about the traffic.

Mr. Lyman said that traffic involved in a self storage business is low. He is proposing a fence around the entire facility made of corrugated solid metal panels that are made to rust completely and remain brown in color.

Councilmember Almquist commented that the trees on the north property line belong to the adjacent property owner. He asked Mr. Lyman if he plans on doing anything with the 10-foot side yard set back near that property.

Mr. Lyman had many discussions with the adjacent property manager. He is aware that the trees are dead and need to be taken out. The trees will be removed as well as the fence. He will cover the cost to replace the fence but does not know if the trees will be replaced by the property manager.

Councilmember Hughes inquired if this type of fence is going to be an issue.

Mr. Snyder explained that the corrugated metal is a new proposal. The type of fence has been a concern for staff as they have not seen a sample of the proposed fence material. Staff would like a solid fence in the front and on the sides; however, Mr. Lyman is proposing to install a solid fence all the way around. Since the drawing was submitted, the applicant has expressed that he does not want to add landscape, as he proposed earlier. There is a new submittal from applicant showing a 6 foot solid fence with no landscaping. There is staff concern about what it will look like.

Mr. Lyman distributed photos of the proposed fence and indicated that the landscaping will be minimal.

Councilmember Almquist commented that he would like to see the landscape enhanced on the north side. His concern is losing some of the aesthetics that are there now, and a lot of people go through that alley. He asked Mr. Lyman if he would contribute to replacing the trees.

Mr. Lyman explained that item was never discussed with the property manager, and no one will see the landscape.

Councilmember Almquist voiced his concern that this is an important commercial hub between Main Street and Bluff. The proposed activity isn't compatible with surrounding commercial and property uses. This proposal does not appear to be a commercially friendly business to the neighboring businesses. Aesthetics are critical at such an important commercial area of the city, and critical to approval of the project.

Councilmember Hughes stated that he does not particularly like the fence. He asked what is proposed to be installed along Main Street, and hopes it is not what is there

Mr. Snyder stated that the proposal is to keep the block wall that is there and paint it a brown color. A suggestion from the Planning Commission was to remove the wrought iron portions of the fence and replace it with solid CMU. The north, west, and south side would be the corrugated metal fence.

Mr. Lyman explained that a proposed fence would go all around the property. On the front, where the wrought iron is now, it will be replaced with masonry, and painted brown Mr. Snyder thought applicant was coming forward with a proposal for something solid, and staff has not seen this style. Staff thought maybe wood, but metal is the new proposal.

Mayor Pike commented that he is concerned that the proposed fence has an industrial look. This is Main Street and that may not fit in with the area.

Councilmember Almquist inquired about the document dated November 18, 2014, fourth bullet from the bottom states: "All trees in place would remain. A drip system would be in place for landscaping plants. No open water use would be on the property for landscaping." He asked Mr. Lyman to explain "no open water use".

Mr. Lyman explained that there would be no grass.

Mr. Snyder added that the Planning Commission had a lengthy discussion regarding the fence. They did not see the fence that Mr. Lyman presented tonight.

Councilmember Almquist inquired what portion of the language in a C-3 zone did the Planning Commission struggled with when it comes to parking areas.

City Attorney Shawn Guzman advised that he was not at the meeting. The language in the zoning code is for a stand alone parking lot, but this is a storage facility which is a bit different.

Mr. Snyder explained that although the Planning Commission wrestled with that issue, they felt this was different.

Mr. Lyman stated that they are open to a different type of fence.

Councilmember Bowcutt stated that he would rather see a block wall all the way around.

Mr. Lyman stated that would be a brutal expense. Metal is expensive too.

Councilmember Bowcutt explained that metal is not very attractive.

Councilmember Almquist commented that when he thinks of this area, he thinks of it as downtown. He does not think of this storage when he hears downtown. It is a too busy and visible series of roads to want this here because of traffic and aesthetics.

After Council discussion and consideration of the packet of materials, the following action:

MOTION: A motion was made by Councilmember Almquist to deny the conditional use

permit.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

Mr. Jacobsen stated with regard to Hyde Berry Park, a request to vacate a sliver of the existing road will be heard in January.

FINAL PLAT:

Consider approval of the final plat for Tuscan Hills Phase 3.

City Surveyor Todd Jacobsen presented the final plat for Tuscan Hills Phase 3, a 7-lot subdivision located at west end of Province Way at approx 1780 South and 1310 West, zoning is PD-R.

MOTION: A motion was made by Councilmember Arial to approve the final plat for

Tuscan Hills Phase 3.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye

Councilmember Bowcutt - ave Councilmember Arial - aye

The vote was unanimous and the motion carried.

REIMBURSEMENT AGREEMENT:

Consider approval of a reimbursement agreement with the Washington County Flood Control Authority for the Sand Hollow Wash restoration project.

City Manager Gary Esplin advised that the agreement is for the project at the Sand Hollow Wash. The agreement will allow the Washington County Flood Control Authority to reimburse the City up to 50% of the total cost.

MOTION:

A motion was made by Councilmember Almquist to approve the agreement. The motion was seconded by Councilmember Randall.

SECOND:

VOTE:

Mayor Pike called for a vote, as follows:

Councilmember Almquist - ave Councilmember Hughes - ayé Councilmember Randall - aye Councilmember Bowcutt - ave Councilmember Arial - ave

The vote was unanimous and the motion carried.

Councilmember Arial asked if the project will start immediately.

City Manager Gary Esplin advised that as soon as Rosenberg Associates finishes the plans, it will be ready to bid.

DONATION AGREEMENT:

Consider approval of a donation agreement with Reber Ltd. for an alleyway behind the properties located at approximately 3 North Main to approximately 49 North Main on Tabernacle Street.

City Manager Gary Esplin advised the agreement is for a donation of alleyway. Since ownership has changed, the alleyway remained in the title to Reber Ltd. They would like to donate the property to the City.

City Attorney Shawn Guzman explained the City will pay \$1,500 to Reber Ltd. for the alleyway, which Reber Ltd. will recognize as value received. Anything above that will be a donation.

City Manager Gary Esplin stated that they originally asked the City to pay for an appraisal; however, the City agreed to pay the equivalent of cost of the appraisal.

MOTION:

A motion was made by Councilmember Hughes to approve the donation agreement with Reber Ltd. for an alleyway at approximately 3 North Main to approximately 49 North Main with the cost of approximately \$1,500 for the donation.

SECOND:

The motion was seconded by Councilmember Arial.

VOTE:

Mayor Pike called for a vote, as follows:

Councilmember Almquist - ave Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - ave

The vote was unanimous and the motion carried.

City Attorney Shawn Guzman stated that he would like to revisit item 6D. He asked the Council clarify the findings and reasons for denial. He invited Mr. Lyman back to clarify the findings. In going through the findings, it appears that the Council, under the conditional use criteria, had concerns with the aesthetics and that the use would not maintain the purpose and character of the zone.

MOTION:

A motion was made by Councilmember Arial to accept the two findings as

the reason for the denial.

SECOND:

The motion was seconded by Councilmember Almquist.

VOTE:

Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

MOVE TO REDEVELOPMENT AGENCY MEETING:

MOTION:

A motion was made by Councilmember Hughes to move to the

Redevelopment Agency meeting.

SECOND:

The motion was seconded by Councilmember Randall.

VOTE:

Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - ayé Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

The meeting reconvened after the Redevelopment Agency meeting adjourned.

INCENTIVE AGREEMENT/RESOLUTION:

Consider approval of a resolution approving an incentive agreement with **Environmental Materials LLC.**

City Manager Gary Esplin explained that the Council approved this item as the Redevelopment Agency. It now needs to be approved by the City Council.

MOTION:

A motion was made by Councilmember Randall to approve the resolution approving an incentive agreement with Environmental Materials LLC.

The motion was seconded by Councilmember Hughes.

SECOND:

VOTE:

Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - ave Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

INTERLOCAL AGREEMENT/RESOLUTION:

Consider approval of a resolution approving an interlocal agreement between the City of St. George and the Redevelopment Agency of the City of St. George for Ft. Pierce CDA #2.

City Manager Gary Esplin advised this item is the City of St. George entering into an interlocal agreement with the Redevelopment Agency of the City of St. George for the Ft. Pierce CDA #2.

MOTION: A motion was made by Councilmember Hughes to approve the resolution

approving an interlocal agreement between the City of St. George and the Redevelopment Agency of the City of St. George for the Ft. Pierce CDA #2.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

APPOINTMENTS:

Mayor Pike mentioned that would like to appoint Kam Kapik to the Art Museum Board and to Justin Hansen, Jack Hunter, Gary Sorenson, and Ron Metcalf to the Airport Advisory Board which will consist of seven members. Terms on the Airport Board are one member for one year, two members for two years, two members for three years and two member for four years. Mr. Sorensen's term will be one year, Mr. Hansen and Mr. Hunter will have terms of four years and Mr. Metcalf two years.

MOTION: A motion was made by Councilmember Arial to appoint the board members

with their terms.

SECOND: The motion was seconded by Councilmember Hughes.

Councilmember Arial commented that the Art Museum Board lost Sharlet Heitkotter who passed away. She explained that Ms. Heitkotter was a devoted member and thanked her for her service.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the meeting held on October 30, 2014.

MOTION: A motion was made by Councilmember Hughes to approve the minutes.

SECOND: The motion was seconded by Councilmember Arial.

Councilmember Almquist mentioned that on line 24 of page 2, onto should be two words.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the meeting held on November 13, 2014.

MOTION: A motion was made by Councilmember Almquist to approve the minutes.

SECOND: The motion was seconded by Councilmember Hughes.

Councilmember Randall commented that on line 49 of page 1, her name is spelled incorrectly.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

ADJOURN TO CLOSED SESSION:

MOTION: A motion was made by Councilmember Hughes to discuss possible property

sale and litigation.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

The meeting reconvened after closed session.

REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:

City Manager Gary Esplin stated that Skywest is going to announce that they are adding an additional flight to Denver from March 5-October 24. Also, they are going to reduce the number of flights from Salt Lake City. There have been significant management changes at Skywest. He advised that the City did not give employees Christmas bonuses this year, but did give market and/or merit increases if eligible. Additionally, he explained that in past budgets the Finance Department had an accountant position but never filled it. Although the position is not in the current budget, they would like to hire someone. There will be a budget opening in January, therefore he recommends to hire the accountant at this time.

Mayor Pike inquired about the additional Battalion Chief position in the Fire Department as well as additional positions in the Legal Department.

City Manager Gary Esplin stated that those positions may be included in next year's budget.

Councilmember Almquist inquired about replacing Sonya Dodenbier.

City Manager Gary Esplin explained that position is being analyzed right now. There are a lot of similar positions that are at a lower scale. They can do a selective promotion; however, the person down there just became full time and is still on probation. He

suggested to advertise the job internally as there may be a number of employees that are qualified to do the job.

The consensus of the Councilmembers is to go that route.

Mayor Pike inquired about an additional Attorney position for the Legal Department.

City Manager Gary Esplin advised that an additional full time position has not been discussed.

Councilmember Almquist suggested giving the Building Inspectors a binder with different forms while in the field, to help make the process more efficient.

City Manager Gary Esplin updated the Councilmembers on the Building Inspector position.

Finance Director Philip Peterson thanked the Mayor and Councilmembers for the opportunity to serve. He explained that the City has met all requirements with regards to State law including submitting all required information to the transparency website.

City Manager Gary Esplin advised that he and Mayor Pike looked at the salary surveys which showed that Finance Director Philip Peterson has been under paid and under classified for the job that he does. They have moved his classification to better reflect his position as an Administrative Director rather than a Finance Director. Additionally, he updated the Councilmembers on the proposed school and Sunbowl project, including a possible replacement ballfield with losing the Elks Field. There are two parcels to build a new baseball complex on without impacting soccer. Those areas are near St. James or Tonaquint. Additionally, he mentioned that he asked Support Services Manager Marc Mortensen to look at wayfaring signage.

Councilmember Hughes mentioned that the Animal Shelter Board met on Tuesday. There was discussion regarding complaints from some of the board members. One issue is with the fact that they decide the fate of the animal. Additionally, they have requested training for a number of the dogs as well as the volunteers. They are asking for funds for the training which costs \$125 for 12 sessions and \$25 per hour to train the volunteers. He explained that were also upset about a cat who got sick and passed away. Additionally, there was an issue with a cat without eyelids that was scheduled to go Best Friends but was adopted out prior to going there. A number of the board members were also upset that they were not involved in the fundraising efforts for Trooper, a dog who needed surgery. They want to know if they can use the Friends of Washington County for funds.

City Manager Gary Esplin stated to let them use the Friends of Washington County.

Councilmember Hughes explained that the board wants to create a "Friends of" 501c3 for St. George.

City Attorney Shawn Guzman advised that if all parties are getting along with the 501c3 is fine.

City Manager Gary Esplin suggested having them get an attorney and create their own "friends of" as it does not have to be sponsored by the City.

Mayor Pike asked how the hospital handles that with their foundation.

City Attorney Shawn Guzman explained that the hospital foundation is a private entity.

City Manager Gary Esplin stated that he does not want the board to be the administrators for the shelter. Hopefully the County will build a shelter in the future.

Councilmember Arial commented that there is a wonderful exhibit at the Art Museum - 150 Years of Wedding Dresses. She asked about restrooms in the Community Arts Building.

Support Services Marc Mortensen commented that he plans on asking for that in next years budget.

City Manager Gary Esplin explained that the Children's Museum may have some funds to help pay the cost.

Councilmember Randall asked if they were getting an office for the Musical Theater.

Mayor Pike commented that the Musical Theater is doing well and it may be problematic for them to take tickets at a table.

City Manager Gary Esplin advised he will have to look at that.

Councilmember Randall commented that although she missed the Shade Tree Board meeting, they took a tour of the tree farm.

Councilmember Almquist asked that the Shade Tree Board keep up with the trees that have been removed.

Councilmember Arial liked the way the City is handling the situation with regards to shade trees.

ADJOURN:

MOTION:
SECOND:
The motion was seconded by Councilmember Bowcutt.
The motion was seconded by Councilmember Almquist.
Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

______Christina Fernandez, City Recorder

1 ST. GEORGE CITY COUNCIL MINUTES 2 **WORK MEETING** 3 JANUARY 15, 2015, 4:00 P.M. 4 **ADMINISTRATIVE CONFERENCE ROOM** 5 6 PRESENT: 7 **Mayor Jon Pike** 8 **Councilmember Gil Almquist** 9 **Councilmember Jimmie Hughes Councilmember Joe Bowcutt** 10 11 **Councilmember Bette Arial** 12 City Manager Gary Esplin **City Attorney Shawn Guzman** 13 **City Recorder Christina Fernandez** 14 15 16 **EXCUSED:** 17 **Councilmember Michele Randall** 18 19 **GROUNDBREAKING CEREMONY FOR THE ALL ABILITIES PARK:** 20 A groundbreaking ceremony was held at the All Abilities Park site. An invocation was led by Tim Martin with the St. George Interfaith Council. Upon conclusion of the 21 22 ceremony, the meeting reconvened at the City Offices, Administrative Conference 23 Room. 24 25 **OPENING:** 26 Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge 27 of Allegiance to the Flag was led by Councilmember Almquist. 28 29 PRESENTATION FROM THE ARTS COMMISSION: 30 Gary Sanders presented a PowerPoint presentation outlining the sculpture purchase 31 recommendations from the Arts Commission. They are as follows: Savannah Sunset 32 by Jack Morford; Fish Tails by Dan Hill; Barefoot Trumpet Player by Ronny Walker; New Dancing Moon IV by Reven Swanson; Jericho II by Doug Adams; and Alex by 33 34 Dan Toone. The funds to purchase these pieces are included in the current year's 35 budget. 36 37 Stefanie Bevans stated that the pieces need to be purchased soon. She mentioned that Art Around the Corner shows pieces throughout the City that are available for 38 39 purchase. Additionally, she explained that the Arts Council will find locations to display the pieces throughout the City. 40 41 Mayor Pike mentioned that he would like to move Millennial Dawn to the 400 East 42 43 Round-a-bout. All pieces that have been purchased in the past are on display. 44 45 City Manager Gary Esplin explained that there are some art pieces, as well as, paintings that are stored and rotated in the Art Museum. 46 47 48 The consensus of the Councilmembers is to go ahead with the purchase of the

recommended pieces.

PRESENTATION FROM THE WASHINGTON COUNTY PREVENTION COALITION:

Brandon Dunbar, Detective with the Police Department, introduced the Coalition members that are present. He presented a PowerPoint presentation covering the following topics: Washington County Prevention Coalition; Strategic Prevention Framework; 2009 statistics for Rx Drug Abuse; Clean Out Your Cabinet Event; Past 30-Day Use (All Grades); What Can You Do?; and Contact Information. The coalition is working on regulations for e-cigarettes as there are not any at this time. He invited Mayor Pike and the Councilmembers to become members or to attend their meetings which are held on the second Thursday of each month at the Southwest Center.

PRESENTATION FROM THE SCHOOL OF LIFE FOUNDATION:

Kip Kint, Director of Training Services for the School of Life Foundation, provided a handout containing the School of Life Overview and Report. He then showed a video outlining what the foundation provides. He reviewed the overview and report which includes the list of the Washington County High Schools they are in, their impact, an explanation of how the classes are taught and student experiences. He invited Mayor Pike and the Councilmembers to visit one of their classes.

DISCUSSION ON THE SPECIAL EVENTS PERMIT PROCESS AND ORDINANCE:

Economic & Housing Development Director Matt Loo provided a draft of the proposed special event application and ordinance changes. He read the proposed changes to the ordinance.

Councilmember Bowcutt inquired about the proposed fees for City staff to coordinate or work an event. He wondered if that would discourage event planners from holding an event that is good for the community. Additionally, he asked who was on the special event review committee.

Mr. Loo stated that Councilmember Bowcutt's comment is a consideration. He explained that number two in section 1-6, lists who is on the committee.

City Attorney Shawn Guzman recommended that the committee not be the body who approves the events; rather it be the City Manager. The committee will simply supply the information to the City Manager to review and approve or deny. Additionally, the City Manager can recommend that the event go before the City Council for approval.

Councilmember Arial commented that she has enjoyed knowing about the events. She would like to be informed of the events that are taking place.

City Manager Gary Esplin explained that there are a couple of issues with an event not going to City Council. The first being the advertisement they would get and the second is who has the authority to waive the fees. He believes the City Council should retain the approval of fee waivers unless there are specific events they would like to delegate approval authority. He believes the ordinance should include language stating that events of a certain size or number of attendees be approved by the City Council. Additionally, for events that have been approved by the City Council

in the past, if there were no problems with previous events, they need not be approved by the City Council for subsequent events. They would still have to meet the requirements. Staff wants to be flexible, but there are issues if they do not know about an event. If an existing business has been approved for this type of use and is built for the event, such as a school or a church, they may not need to go through the approval process. A school that sponsors their own event at their own facility is exempt.

Mayor Pike commented that the public may expect a fee waiver for the cost of City staff if the event is being planned for a 501C(3); however, if it is for profit, they should pay the cost.

Councilmember Bowcutt stated that it may be hard to collect enough to pay for the true cost of the staff.

City Manager Gary Esplin advised that some events are budgeted for and the City will have to cover the expense. Staff's concern is that their overtime budget may be depleted for covering events that are not budgeted for.

Councilmember Almquist commented that the cost could be tied to the number of attendees or demographics. He inquired about violation and penalties for those that violate the permit or do not obtain a permit at all.

Mayor Pike pointed out that the section talks about violating the ordinance. That would cover those that did not obtain a permit.

Councilmember Almquist inquired about number three in section 1-7, with regard to trained security.

Mr. Loo explained that as part of the process, the Police Department will see that the credentials fit the event.

City Manager Gary Esplin stated that if the City Manager is instructed to take the advice of the committee who says the security is inadequate, the applicant can appeal to the City Council. The 30 day notice, which is less than other cities, is key because most of the problems that have occurred in the past did so because the applications were not received in a timely manner.

Ed Baca, citizen, commented that he has been involved with many special events as a police officer. People learn to realize that private security officers do not have the same impact or influence as police officers. What they did, as part of the application, the applicant could hire an off duty police officer at their hourly rate. This allowed the officer to have paid overtime at their hourly rate. The city received the money from the applicant and paid the officer as part of their check.

Councilmember Arial compared the fee proposal to a wedding reception. You have to rent different items and pay a fee for them. If an event is non-profit or a block party, the fee should be waived. It is important that event promoters pay for security if it is a big event.

Mayor Pike explained that there are a lot of non-profit organizations that make money. That will have to be addressed when an application is received.

Councilmember Bowcutt mentioned the Lions parade and the Round Up Rodeo. For all of the work that the City does to make these happen, he is afraid that if the fees are too excessive, it will take away from donations they can make to other organizations in the community.

Councilmember Arial commented that to her, the Round Up Rodeo is different as the City sponsors the event.

City Manager Gary Esplin stated that the Council needs to identify events that are sponsored by the City. He explained that some events are budgeted for. He believes that these events should be grandfathered in as well as adding additional events in that the Council feels are important to the community.

Mayor Pike mentioned that the City has not done New Year's Eve events in the past few years. If an individual approaches the City to put on a New Year's Eve event, the City may want to become a sponsor.

City Manager Gary Esplin stated that there needs to be confidence in the process. The committee reviews the applications for a reason, to make sure the event is held without affecting safety.

Mr. Loo addressed the proposed special event permit application. An area will be added for departments to sign that they reviewed the application. He outlined the additions and changes to the application. Additionally, he explained that the ordinance states that an event should not be advertised until approved.

City Manager Gary Esplin explained that if an event is advertised prior to getting approval, the City is not at fault, the promoter is. If an application is received in full, it needs to be approved within a reasonable time, not near the end of the 30 days.

Councilmember Hughes commented that the 30 days should be a minimum requirement. If a promoter is putting on a large event, they should submit an application sooner.

Councilmember Almquist inquired about calendaring events.

Mr. Loo stated that the ordinance covers timing and scheduling as well as events that may conflict with another. The City's goal is to make all of the events as successful as possible.

Mayor Pike asked Tiffany Barnes if she would like to comment on the proposed changes.

Ms. Barnes commented that what a special event is has not been clarified. If she plans a wedding and expects 350 guests, would she need to apply for a special event permit and obtain insurance? She suggested a tiered system.

City Manager Gary Esplin explained that it would depend on where the event is taking place. The City's intent is to have the committee review the event and have it approved without going to the Council if it is under a certain number of attendees. If a party takes places inside a business zoned for that specific use, they do not need a permit.

Ms. Barnes commented on specifying the type of activity. While she agrees with needing to know, she suggested the City take a different approach.

City Manager Gary Esplin explained that staff does not know what is being planned unless the applicant specifies that on the application. A concert or a dance may have different requirements.

Mayor Pike noted that the City is not opposed to a specific type of event. Staff just wants to see that issues revolving the event are dealt with.

City Manager Gary Esplin stated that the dance hall ordinance will be looked at. The proposed process will allow for applications to be approved more timely as long as the application is received and complete.

Mayor Pike invited Ms. Barnes to contact staff with further questions and concerns. He mentioned that he met with Jared Keddington recently. He believes that they City can possibly partner with Mr. Keddington to hold a dance at a hangar at the old airport.

City Manager Gary Esplin stated that those that would like to see changes also have to work through the process and be truthful. They need to provide information rather than create hysteria. The issue that occurred in October was not because the event was a dance; it was the fault of the promoter in not following the process.

Ms. Barnes clarified that she does not work with Mr. Keddington. She stated that she has a number of letters from other dance promoters that she will email to Mayor Pike.

Councilmember Hughes commented that he likes Mayor Pike's idea of the City partnering with Mr. Keddington to put on a dance. He has a problem dealing with individuals that have not been forthright.

Councilmember Bowcutt stated that the committee should have adequate authority to make those decisions.

Mayor Pike stated that the City Manager will approve the applications.

City Manager Gary Esplin explained that the committee meets and minutes will be taken. The committee reviews the applications and makes recommendations to the City Manager. If a fee waiver is being requested, that will go to the City Council for approval. Additionally, if the event promoter would like to mention their special event at a City Council meeting, they can do so.

1 2	City Attorney Shawn Guzman stated that the process that is being discussed is what is happening currently. The only difference is that the City Manager will approve the
3 4	applications.
5 6 7	City Manager Gary Esplin explained that a time frame is also being added. Staff will refine the proposals and have it return for approval.
8 9 10	Mayor Pike asked the Councilmembers to read through the proposals and respond via email if they would like to suggest any changes.
11 12 13	Councilmember Almquist noted that the 30-day time frame should begin when the applicant has everything in order, not when they pick up the application.
14 15	City Manager Gary Esplin explained that insurance may be an issue as it may take a bit longer. The application can still be reviewed.
16 17 18	City Attorney Shawn Guzman advised that insurance can be done fairly quickly.
19 20 21	Mayor Pike commented that staff is here to help the event promoter and facilitate the process as best they can.
22 23 24	Mayor Pike mentioned the budget meeting that will take place at the Dixie Center on Thursday, February, 12, 2015.
25 26 27 28	City Manager Gary Esplin explained that the meeting will begin at 7:00 or 8:00 a.m. and will go until 12:00 and then break for lunch. Public comments will be heard at approximately 1:00 to 3:00 p.m. This meeting will replace the regularly scheduled work meeting.
29 30 31 32	The consensus of the Councilmembers is to begin at 8:00 a.m. and begin public comments at 1:00 p.m.
33 34 35	REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER: Councilmember Hughes had nothing to report.
36 37 38 39	Councilmember Bowcutt stated that he was surprised that no one attended the public hearing at the Planning Commission meeting for the General Plan amendment on 3000 East.
40 41 42	Mayor Pike mentioned that he spoke with the City Manager and Mayor of Washington today.
43 44	Councilmember Almquist had nothing to report.
45 46 47	Councilmember Arial stated that the Arts Commission is polling groups to see which will use the Electric Theater.
48 49 50	Mayor Pike mentioned that he had a discussion with Bill Christensen with the University. They have a theater expert that can help the City if needed.

1 2	Councilmember Arial mentioned that the Youth City Council will take six of the youth council to the Local Official's Day at the Legislature.
3 4 5	Councilmember Almquist explained that nothing prohibits a parent from taking their child to the event.
6 7	Mayor Pike stated that the City would cover the cost of the registration.
8	
9 10 11	Councilmember Arial stated that she informed Della Lowe, the Youth City Council advisor that she needs to reduce the number of members. Currently, they have seventeen.
12	
13 14	Mayor Pike stated that he believes there needs to be better control over this; possibly under a different individual.
15	
16 17	Councilmember Bowcutt commented that Foremaster Drive has become tough with the new Mall Drive Bridge. Additionally, he believes there needs to be a right hand
18 19 20	turn lane for those travelling from west bound Riverside Drive onto Foremaster Drive.
21 22	City Manager Gary Esplin stated that he will have Public Works Director Cameron Cutler look at that.
23 24 25 26 27 28 29	Mayor Pike reminded the Councilmembers that the annual root beer float event will take place this Saturday. With regard to his earlier comment, he would like to do an event at the hangar at the old airport with Jared Keddington; however, it is up to the City Council. He would like to give Mr. Keddington a chance to prove himself. Even if the City does not partner with Mr. Keddington, he would like to allow him to use the north hangar.
30 31 32	Support Services Manager Marc Mortensen inquired about a fee as the dance may be for profit.
33 34 35	Councilmember Hughes commented that others may want to use the hangar as well.
36 37	Mayor Pike stated that requests can be considered.
38 39	City Manager Gary Esplin stated that the City may then be competing with the private sector. Additionally, that hanger is used for other things and is storing City
40 41	property.
42	Support Services Marc Mortensen explained that it would take approximately four
43	hours to move everything out of the hangar. Mr. Keddington would like to do a foam
44 45	body paint dance. He showed an example he found on the internet.
46 47	The consensus of the Councilmembers is to allow Mr. Keddington a chance, using the special event permit process.
48	

Mayor Pike stated that he would like to know more about the type of dance he would like to do.

Support Services Marc Mortensen mentioned that although the hangar is sound proof, there are neighbors.

Mayor Pike stated that the Councilmembers will have to decide if the City should sponsor the event and approve a fee waiver for the dance. He asked the Councilmembers if they are okay with allowing Mr. Keddington a fee waiver for the use of the hangar.

Councilmember Arial commented that she believes the City should for public relation purposes.

Councilmember Bowcutt stated that Mr. Keddington should submit his application at least 30 days prior to the event.

Councilmember Arial stepped out.

ADJOURN TO CLOSED SESSION:

MOTION: A motion was made by Councilmember Bowcutt to adjourn to closed

session to discuss a proposed property sale.

SECOND: The motion was seconded by Councilmember Almquist.

<u>VOTE:</u> Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Councilmember Arial returned prior to the closed session.

City Attorney Shawn Guzman updated the Mayor and City Council on the Spencer's issue. They will put up panels to block the view from patrons. The gentleman from Spencer's mentioned the books that are being sold at Barnes and Noble. Those books are on human sexuality and massages. This needs to be discussed with regard to the ordinance as he does not believe the material is different.

Councilmember Arial stated that this is different as she would have to open the book up, at Spencer's things can be seen on the shelf. She has been in Barnes and Noble and has never seen them.

City Attorney Shawn Guzman advised that the ordinance does not differentiate the items. All businesses have to be treated the same. The issue is the pictures that are in the books.

Councilmember Hughes agreed with Councilmember Arial.

City Attorney Shawn Guzman advised that when he and Deputy City Attorney Paula Houston went into Barnes and Noble, they did not see young adults in that section;

1 2	however, each time they went to Spencer's, there were young adults in the adult section almost every time.
3	section aimost every time.
4	City Manager Gary Esplin mentioned that Marty Friedel, a long time firefighter passed
5	away. Mr. Friedel did not pay his assessment. He proposes to write off some of the
6	interest that has accrued. The title company has offered to pay \$50,000.
7	
8	The consensus of the Councilmembers is to accept the title company's offer.
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10	City Manager Gary Esplin updated the Councilmembers on the cost and funding for
11	the train at the All Abilities Park. He believes the City can net \$100,000 profit on the
12	train each year.
13	Councilm amb an Dayworth abota dithick had a second at 11 to 12 to
14	Councilmember Bowcutt stated that he is concerned with charging riders.
15 16	Councilmomber Arial explained that also does not think that will be an issue
17	Councilmember Arial explained that she does not think that will be an issue.
18	Mayor Pike stated that he believes riders will love the experience. The City needs to
19	be transparent about this.
20	be transparent about this.
21	City Manager Gary Esplin commented that the Mayor should make an announcement
22	stating that the City has received 30% of the cost in donations and will continue to
23	accept donations.
24	
25	Councilmember Almquist stated that the money donated will buy the train, just not
26	the other items associated with it.
27	
28	City Manager Gary Esplin stated that with the cost for the hand prints will help as
29	well. He will have staff check on the actual costs and return for approval to
30	purchase.
31	
32	Support Services Marc Mortensen stated that the All Abilities Park website shows the
33	train. Patrons believe it will be there.
34	
35	Councilmember Hughes commented that he is concerned that the City will receive
36	the same flack as it did with the Carousel.
37	
38	City Manager Gary Esplin explained that the number one request in the planning
39	process was the train. He stated that one day a week; the park will be closed to all
40	patrons except special needs children.
41	Councilmomber Hughes paked the Councilmombers if they received an email from
42 43	Councilmember Hughes asked the Councilmembers if they received an email from a woman in Little Valley regarding a natural park on SITLA property. She believes the
43 44	City should purchase the property.
45	City should purchase the property.
46	City Manager Gary Esplin stated that the property is going to be purchased and
47	donated to the City.

ADJOURN:

MOTION: A motion was made by Councilmember Almquist to adjourn.

1	SECOND:	The motion was seconded by Councilmember Bowcutt.
2	VOTE:	Mayor Pike called for a vote, as follows:
3		
4		Councilmember Almquist – aye
5		Councilmember Hughes – aye
6		Councilmember Bowcutt - aye
7		Councilmember Arial - aye
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9		The vote was unanimous and the motion carried.
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Christina Fernandez, City Recorder

4 **CITY COUNCIL CHAMBERS** 5 6 PRESENT: 7 **Mayor Jon Pike Councilmember Gil Almquist** 8 **Councilmember Jimmie Hughes** 9 10 **Councilmember Michele Randall Councilmember Joe Bowcutt** 11 **Councilmember Bette Arial** 12 City Manager Gary Esplin 13 14 **City Attorney Shawn Guzman City Recorder Christina Fernandez** 15 16 17 **OPENING:** 18 Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge 19 of Allegiance to the Flag was led by Scouts Ivan Espinosa and Body Matthews from 20 Troop 1790 and the invocation was offered by Nadine Barish from Congregation Biet 21 Chaverim. 22 Ms. Barish asked for a moment of silence for those who were killed in Paris. 23 24 25 Mayor Pike invited Les Joslin with the Civil Air Patrol to speak about Wreaths Across 26 America. 27 Mr. Joslin, Commander of the Civil Air Patrol, outlined what the group does. He 28 29 explained that the Wreaths Across America program started in 1992. The program 30 takes wreaths and places them in 700 locations. Over 700,000 wreaths were placed 31 this year. Their group placed 552 wreaths at Tonaquint Cemetery and the Shivwits 32 Paiute Cemetery. He recognized sponsors who purchased more than \$1,500 in 33 wreaths. Additionally, he recognized the Civil Air Patrol members in the audience. 34 35 Mayor Pike invited Justin Tuft to speak about the All Abilities Park. 36 37 Mr. Tuft thanked Mayor Pike and the Councilmembers for allowing a person like him 38 to take part in the groundbreaking for the All Abilities Park. 39 Mayor Pike invited Craig Harvey to speak about the Landmark & Historic Sites book. 40 41 Mr. Harvey explained that last year, the City was awarded a grant from the Utah 42 State History for historic preservation projects. One of those projects was to update 43 and republish the Landmark & Historic Sites book. This is the 3rd edition. The grant 44 45 funds can only be used for historic preservation projects. As part of the grant, the City had to match half the funds to print the books. The books will be sold in the 46 Planning Department for \$15, which covers half the printing costs. 47 48 49 Mayor Pike asked if it is possible to also sell the books at the Arts Museum.

ST. GEORGE CITY COUNCIL MINUTES

REGULAR MEETING

JANUARY 22, 2015, 5:00 P.M.

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Mr. Harvey replied yes.

Councilmember Randall inquired about selling the books at the Chamber of Commerce as well.

Mayor Pike replied yes.

Mr. Harvey stated that the grant covered the cost to print 150 books. He explained what qualifies a home as a historic site.

Mayor Pike mentioned that on February 4, 2015, he will be presenting the State of the City address at noon at the Chamber of Commerce luncheon. Additionally, he mentioned the City Council budget planning session that will be held at the Dixie Center on February 12, 2015. That meeting will have opportunity for public comment.

PROPERTY TRADE:

Consider approval of a trade of City property located on 270 East Street, Lot 2 in the Confluence Commercial Center Phase II Subdivision, with Quality Excavation for property located in the Tonaquint Valley area.

City Manager Gary Esplin advised this item is a proposed trade of City property. Under state law, if considered a significant parcel, it would need public comment and approval from the City Council. The proposal is to trade one lot in the Confluence Commercial Center Phase II Subdivision, approximately 1.7 acres for 15.15 acres located in the Tonaquint Valley.

City Attorney Shawn Guzman advised that public comment was taken when the property was first proposed to be purchased by the Boyer Company. The Mayor is free to take comment tonight as well.

Mayor Pike invited the public to comment on this item. There were no comments.

MOTION: A motion was made by Councilmember Bowcutt to approve the trade

of City property located on 270 East Street, Lot 2 in the Confluence Commercial Center Phase II Subdivision, approximately 1.7 acres, with Quality Excavation for property located in the Tonaquint Valley area,

approximately 15.15 acres.

SECOND: The motion was seconded by Councilmember Hughes.

Mayor Pike commented that future use of the property could be a park or a sports field.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Randall – aye Councilmember Bowcutt – aye Councilmember Arial – aye

Take public comment on the sale of approximately 6.0 acres of City property located between 100 South Street and 200 South Street in the vicinity of the existing Elks Field.

The vote was unanimous and the motion carried.

City Manager Gary Esplin advised this item is the sale of approximately 6.0 acres of City property. There have been discussions in the past of a need for an elementary school in the downtown area. Additionally, the University desires to acquire an existing elementary site. This would not affect the Sunbowl.

Mayor Pike invited the public to comment on this item.

Richard Hutchins, St. George resident, stated that he read an article in the newspaper stating about the proposed property sale and the efforts to keep the Sunbowl. When he first saw the Sunbowl, he thought it was an eyesore. He spoke about comments that were made online. He appreciates nostalgia; the Round Up Rodeo is important, not the Sunbowl. The Sunbowl is old, dangerous and does not have adequate parking. The rodeo can be held at a different location such as the fairgrounds or the Dixie stadium. He asked if there is an existing facility that can hold a rodeo.

Mayor Pike commented that there are rodeo facilities at the County fairgrounds in Hurricane. Quite a bit of work would have to be done to hold a rodeo at Hansen Stadium, this idea was explored.

Mr. Hutchins stated that he read that it would cost \$2 million to renovate the Sunbowl. Old timers are trying to keep the Sunbowl by using tax payer's money rather than utilizing it elsewhere such as the All Abilities Park. He read a comment from the internet which talks about candidates who ran in 2013 supporting the Sunbowl, in particular, Councilmember Bowcutt.

Mayor Pike mentioned that this property is adjacent to the Sunbowl. This item has nothing to do with the Sunbowl.

Mr. Hutchins pointed out that he voted for the candidates not knowing that they were in favor of keeping the Sunbowl. The County would purchase the property if it were available. He spoke with Superintendent Bergeson about purchasing the Sunbowl. This is a prime opportunity to get rid of the Sunbowl.

Mayor Pike explained that the Sunbowl would have to be torn down, which would be very expensive. With the field, there is no demolition.

City Manager Gary Esplin asked what the advantage would be to build an elementary school on the Sunbowl site rather that the Elks Field site. It does not make sense to have an elementary school on the 400 East side as the traffic is heavier. The best location is the Elks Field.

Mr. Hutchins stated that the advantage is to get rid of the dilapidated property that the City is going to spend \$2 million on.

City Manager Gary Esplin advised that there has been no commitment to spend any money on the Sunbowl. What is in the newspaper is not the issue tonight. There is an idea of what is going to be done with the Sunbowl that is independent of the Elks Field issue.

Mr. Hutchins stated that he read that the elementary school had been finagled into a two-story building to save the Sunbowl.

Councilmember Hughes commented that there are others who share his opinion; however, there are thousands of people who love to attend the rodeo at the Sunbowl. He would not attend the rodeo if it was at the fairgrounds. There are other things that the Sunbowl can be used for. He respectfully disagrees that the Sunbowl has outlived its life.

 Mayor Pike stated that sod was put into the Sunbowl, and the rodeo will be run on sod. There are hopes to have soccer games there and the City has been asked to host a pro football team. The two items are being looked at separately. There is a property that requires almost no demolition. Cost was a factor in making this three way deal work. The School District has a design for a two-story building.

City Manager Gary Esplin explained that if the property did not work for the School District they would not be purchasing it. A value has already been determined for East Elementary. If the Sunbowl had to be torn down, it would cost the School District more money.

Councilmember Almquist stated the focus is that there is an elementary school downtown. During the election, he stated that each of the three candidates stated that were merits of the Sunbowl that they liked.

Mayor Pike stated that he appreciates the comments, but purchasing the Sunbowl site was not workable.

Councilmember Almquist added that the School District, the University, and the City have spent months working together to make this work for St. George.

Washington County School District Superintendent Larry Bergeson stated that they appreciate how well everyone works together in Southern Utah. Prior to him being in his position, it was determined that a new elementary school was needed in the downtown area. East Elementary is aging and the School District is looking at possibly spending hundreds of thousands of dollars to repair just the roof, which they do not want to do if they are going to replace it. This proposal works for them. Normally, they need approximately 10-acres to build an elementary school. The Dixie Middle school property was built on a limited amount of space; therefore it was built as a 3-story building, which they love. Future middle schools will be built similarly. The elementary school will be built as a two-story and will not need as large as a play area as it will have a high school length gym. They do not feel forced into any decision and are excited to be building a school of this design so they can

49 Councilmemb 50 many years.

Ms. Lawhorn replied yes.

see how it works. Hopefully in the future, this will allow them to use less acreage as they build future schools. They see this as a win-win-win-win situation if you count the Sunbowl. The purchase of the ground between them and the University and the purchase of the property they purchase from the City are two separate contracts. The transportation costs they will save by locating the school here is an asset for them. It will not be a bussing school.

Councilmember Almquist added that the school will be allowed to use the Sunbowl. Additionally, there will be additional uses for the Sunbowl.

City Manager Gary Esplin commented about the possibility of the street to the South of the Sunbowl being narrowed to provide a perfect access to the park.

Superintendent Bergeson added that the School District prefers that the school be built on the Elks Field side rather than the 400 East side since that location is busier.

Crystal Hanza, resident, stated that she is excited for the location of the proposed school. She is concerned about children going to Vernon Worthen Park because there are shady people who like to hang around the park. She asked if there would be a secure playground area.

City Manager Gary Esplin explained that would be a question for the School District. They will have to install a fence and control the access. If they had an event that was larger, they could take them to the park supervised.

Ms. Hanza asked if the Sunbowl is not being used, will the school be able to use it.

Mayor Pike answered that the School District was told they could use it.

Marsha Lawhorn, resident, stated that she lives near the area and is concerned with the noise, lights and the parking issues at the Sunbowl. When it was built, things were different, there were not loud speakers. She came from an area that had wonderful rodeos. With the growth of St. George, she believes that the City would want to move the rodeo out of town to an area with more room. Things such as livestock and horse trailers do not belong near the Temple, a chapel or a school. She stated that she would attend a rodeo if it was in Hurricane and does not go to the Round Up Rodeo because it is a rinky dinky rodeo. She would rather see a big rodeo that is not outdoors bothering neighbors. She thinks having a new school at the Elks Field is a good idea. Before decisions are made, she hopes that there will be a public hearing and a referendum as there are a lot of people who do not want the Sunbowl there. She would not purchase a home across the street from rodeo grounds.

Councilmember Bowcutt asked Ms. Lawhorn if she would consider purchasing a home across the street from a football field.

Councilmember Bowcutt stated that the Sunbowl was used as a football field for many years. He explained that the Round Up Rodeo is not a rinky dinky rodeo, in

fact, it is a professional rodeo sanctioned by the PRCA with top named cowboys participating. He stated that 63% of those that participated last year went on to compete in the National Finals Rodeo.

Ms. Lawhorn stated that she did not mean to put down those that participate in the rodeo; she meant that the facilities are not large enough.

Mayor Pikes stated that although he appreciates the comments, they do not apply to this item.

Ms. Lawhorn explained that the reason she chose to come here tonight is because there have not been any public hearings about the Sunbowl. She reads in the paper that things are happening; she would like to see more transparency.

Councilmember Randall stated that she does not understand why comments are being made that the Council is doing things without transparency. The Sunbowl is there, nothing has been said about what is going to happen to it. There has been complete transparency. The only thing that is being discussed is the Elks Field. If there is discussion on improving the Sunbowl, the public will be invited to comment.

Councilmember Hughes asked if the Council does ask for public opinion and half say they want it torn down and the other half want to keep it, what does the Council do? If there can be four wins in this situation, there cannot be a better solution.

Ms. Lawhorn stated that during the election she was not aware that she was voting for a candidate because they were going to save the Sunbowl. When she wrote the Mayor a letter and his response was that the people have spoken, these are the people who were elected.

Councilmember Bowcutt commented that perhaps Ms. Lawhorn did not follow the platform of the candidates.

Ms. Lawhorn explained that there were several issues that were important to her. She asked that there be public referendum.

Mayor Pike advised that there will not be a referendum, but there will be public comment.

Devin Roberts, resident, stated that he likes the Sunbowl in the area and likes the fact that there can be rodeos in the middle of town - it makes the City unique. Until there is a better use for the Sunbowl, nothing should be done with it. Additionally, he does not believe the 4th of July celebration should stop because of the loud fireworks. He lives near there and does not mind it. Not everyone hates the Sunbowl.

Ed Baca, citizen, stated that he believes everyone wants the best education for the elementary schools and the college. Superintendent Bergeson addressed all concerns mentioned tonight. East Elementary School is always being used and soccer is always being played there. They do not have adequate parking there. He appreciates the fact that the Council had the public comments tonight as it lends to

1 2 3	property sa	cy. He understands that the Council meets in closed session to discuss les and purchases. To take the step to discuss this item in an open a big deal that he appreciates.	
4	CALE OF CITY DD	ODEDTY.	
5	SALE OF CITY PR		
6		pproval to sell City property located between 100 South Street	
7		outh Street in the vicinity of the existing Elks Field to the	
8	Washingto	n County School District.	
9			
10	Councilmen	nber Hughes asked if price would be discussed at this time.	
11			
12	City Attorne	ey Shawn Guzman advised that the property will be sold for the value that	
13	is negotiate	d.	
14			
15	MOTION:	A motion was made by Councilmember Almquist to approve the sale of	
16		City property to the Washington County School District for value	
17		negotiated.	
18	SECOND:	The motion was seconded by Councilmember Randall.	
19	VOTE:	Mayor Pike called for a vote, as follows:	
20			
21		Councilmember Almquist – aye	
22		Councilmember Hughes – aye	
23		Councilmember Randall – aye	
24		Councilmember Bowcutt - aye	
25		Councilmember Arial – aye	
26		Counciline Tiber Anai – aye	
27		The vote was unanimous and the motion carried.	
28		The vote was unanimous and the motion carried.	
29	Mayor Diko	adviced that staff will work with the School District on a nurchase	
	Mayor Pike advised that staff will work with the School District on a purchase		
30	agreement.		
31	DUDITO HEADING	CARARWAY WASATION (ORDINANCE.	
32		G/ROADWAY VACATION/ORDINANCE:	
33		ring to consider vacating a portion of Marigold Way and a 45-foot date.	
34	turn aroun	u access easement.	
35	John William	The second of th	
36		presented a request to vacate a portion of Marigold Way. The purpose of	
37		is to plan for a future road in the proposed Hyde Berry Park Subdivision	
38		small sliver of the road as well as the 45-foot turn around access	
39		ill be vacated. The vacation should not be recorded until the final plat is	
40	recorded.		
41	A4 D11	The state of the s	
42		commented that this was discussed previously and is a clean-up item.	
43	He believes	this will be a great improvement.	
44			
45	•	opened the public hearing. There being no public comment, he closed	
46	the public he	earing.	
47			
48	MOTION:	A motion was made by Councilmember Arial to approve the vacation of	
49		a portion of Marigold Way and a 45-foot turn around access easement	
50		for the completion of the road.	

SECOND: The motion was seconded by Councilmember Randall. **VOTE:** Mayor Pike called for a roll vote, as follows:

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Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Randall – aye Councilmember Bowcutt – aye Councilmember Arial – aye

8 9 10

The vote was unanimous and the motion carried.

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PUBLIC HEARING/BUDGET AMENDMENTS/RESOLUTION: Public hearing to consider amendments to the FY2015-15 Budget.

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City Manager Gary Esplin advised the proposed adjustments are as follows: 1) To budget for receipt of a grant from Firehouse Subs for the purchase of a rescue equipped 6-wheel Polaris Ranger to facilitate rescue in rugged terrain, HazMat incidents, and special event stand-by (marathon, Ironman, etc.); 2) To budget for the receipt of the Autism Speaks Neighborhood Grant and to increase the Police Department's budget to purchase bracelets and supplies needed to implement a tracking program for individuals with medical conditions like Alzheimer's, Autism, Asperger's, etc.; 3) To budget for a Districted Driving Enforcement grant (for a second year), from the State of Utah which includes overtime and the purchase of supplies and equipment; 4) To budget for a new Accountant position in the Finance Department anticipated to start around January 2015 (half-year of funding of \$29,100 is requested); 5) To budget for receipt of a grant from the Utah Humanities Council and a private donor's contribution to help with installation costs of the InVisible exhibit; 6) To budget for converting the Sunbowl facility from a dirt infield to sod to accommodate more year-round uses; 7) To budget for additional Christmas lights for the St. George Boulevard, Main Street, and Town Square; 8) To budget for a safety lighting project for the general aviation ramp at the airport. The project will be funded by PFC; 9) To budget for audio visual system upgrades in the Council Chambers and the Administrative Conference room; 10) To budget for participation in \$7,340 professional fees for architectural plans for phase 1 of a new fleet building with bays to accommodate heavy equipment and large trucks; 11) To budget for unforeseen repairs to the chip seal spreader's electrical control system; extending the equipment useful life an additional 10 years; 12) To budget for repairs and sediment removal from the Santa Clara River at the Southgate Golf Course caused by the two flood events in August and September 2014; 13) To budget for repairs of the substantial damage caused to the Middleton Wash Trail from the two flood events in August and September 2014; 14) To increase the budget for the Tonaquint Cemetery Secondary roadway project to pay property taxes as per the donation agreement, add participation with Questar to extend the gas line, and add geotechnical testing; 15) To budget for the demolition of West Cove Apartment buildings as per the Administrative Code Enforcement decision and court order. The property owner will be required to reimburse the City for the demolition costs; 16) To budget for creating two new positions for the Millcreek Generation Facility and reducing the scope of work for the maintenance contract with G.E. (Budget amount is for the remaining 7 months of the fiscal year form December 1, 2014); 17) to recognize proceeds from the sale of property to Dixie Power for a substation adjacent

to the Seegmiller Park with the proceeds being used to add additional amenities to the Hela Seegmiller Historic Farm; 18) To budget for emergency replacement of the Dinosaur Museum boiler which failed and could not be repaired, requiring that a new boiler be installed immediately; 19) To write off a portion of the accrued interest on an assessment form District 80-1 as per a settlement agreement with a title company. The settlement fully reimburses both the principal and interest originally assessed to the parcel and paid by the City on the assessment bond; 20) to budget for the KONY Coins for Kids - Operating Expenses reimbursement which was approved in the 2013-14 budget but not incurred until the current year. Costs are fully reimbursable by CDBG grant funds; 21) To budget for the installation of wheelchair securement upgrades to 7 buses due to increasing ridership of individuals requiring this amenity. The upgrades are funded 80% by federal grant and 20% City match; 22) To increase the Public Works Capital Project Fund budget to fund repairs for damage caused by the August/September 2014 thunderstorm flooding events to the City Creek drainage (Sunset Boulevard) and Halfway Wash drainage at 540 N. Dixie Drive. Funding will come from the Drainage Utility Fee fund; 23) To budget for the cost of participation between the City, the School District, and the private developer for roadway improvements to 190 E. near Snow Park, Dixie Middle School, and the Fiesta Fun Center; and 23) to budget for arbitrage compliance review which occurs every five years and was not included in the original budget.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

MOTION: A motion was made by Councilmember Hughes to approve the

amendments to the 2014-15 budget.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist - aye Councilmember Hughes - aye Councilmember Randall - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The vote was unanimous and the motion carried.

FINANCIAL REPORT:

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48 49 Consider approval of the financial report for December, 2014.

City Manager Gary Esplin advised the report shows that the City is right in line with the projections. The General Fund is a little under because there is a \$6 million transfer that has only been transferred at \$2 million. Sales tax is up.

Councilmember Almquist inquired about the Fire Impact Fund. There was a \$4,000 budget; however, \$124,000 was spent. He asked what was purchased.

City Manager Gary Esplin stated that he does not know what the details are.

1 2	Councilmember Almquist commented that it is nice to see the donations coming in for SwitchPoint.		
3 4 5	MOTION:	A motion was made by Councilmember Hughes to approve the financial report for December 2014.	
	SECOND.		
6	SECOND:	The motion was seconded by Councilmember Arial.	
7	<u>VOTE</u> :	Mayor Pike called for a vote, as follows:	
8		Councilmonth on Almoniata and	
9		Councilmember Almquist – aye	
10		Councilmember Hughes – aye	
11		Councilmember Randall – aye	
12		Councilmember Bowcutt – aye	
13		Councilmember Arial – aye	
14			
15		The vote was unanimous and the motion carried.	
16			
17	AWARD OF BID:		
18	Consider a	ward of bid to install 36,000 sq. feet of 3 ½" thick asphalt on 190	
19	East.		
20			
21	City Manage	r Gary Esplin advised that this item was just approved in the budget	
22	amendment	S.	
23			
24	Connie Hood	explained that Western Rock was the low bidder at \$54,147.	
25			
26	Mayor Pike o	commented that this will not only benefit Fiesta Fun, but also the School	
27	District and		
28	5.5001 4.14		
29	City Manage	r Gary Esplin commented that this road could possibly connect the	
30		at the high school.	
31	parking loc c	it the high school.	
32	MOTION:	A motion was made by Councilmember Randall to approve the bid to	
	FIGITON.	Western Rock in the amount of \$54,147 for the paving of 190 East.	
33	SECOND.		
34	SECOND:	The motion was seconded by Councilmember Hughes.	
35	VOTE:	Mayor Pike called for a vote, as follows:	
36			
37		Councilmember Almquist – aye	
38		Councilmember Hughes – aye	
39		Councilmember Randall – aye	
40		Councilmember Bowcutt – aye	
41		Councilmember Arial – aye	
42		A. Control of the con	
43		The vote was unanimous and the motion carried.	
44			
45	AWARD OF BID:		

Consider award of bid to Sunroc Corporation to build the Indian Hills Storm Drain, golf course segment.

City Manager Gary Esplin advised that this item is part of the Indian Hills Drive project. It is necessary for the golf course.

Connie Hood explained that ten bids were received, five of them being with \$1,000 of each other. Sunroc is the low bidder at \$54,448.

MOTION: A motion was made by Councilmember Hughes to award the bid for

the Indian Hills Storm Darin to Sunroc Corporation in the amount of

\$54,448.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Randall – aye Councilmember Bowcutt – aye Councilmember Arial – aye

RESOLUTION:

Consider approval of a resolution matching funds to purchase equipment used to implement a leak detection program as well as Water and Wastewater system modeling software.

City Manager Gary Esplin explained that this will allow the City to match funds with a grant received from the Bureau of Reclamation to help with conservation plans to implement a leak detection program and a modeling system for Water and Wastewater systems.

Rene Fleming stated that not only does staff want the customers to be wise water users, but also the system operators to be able to improve efficiency. She will be requesting funds to purchase equipment to implement a leak detection program and to also purchase Water and Wastewater system modeling software. The total project will be approximately \$70,000 of which the City would have to match half.

Mayor Pike commented that this will be a positive thing.

MOTION: A motion was made by Councilmember Hughes to approve the

resolution for the matching funds for the grant to purchase the said

equipment.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Randall – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

Councilmember Hughes inquired if the cost also covers the operator as well.

3 4

Ms. Fleming explained that the cost to purchase the equipment will include training and the crews will be cross trained.

REQUEST FOR EVENT AT RIDGE TOP COMPLEX AND BEER GARDEN: Consider approval of a request to hold the Retro Rock Festival with a beer garden at the Ridge Top Complex. Kjirsten Strong, applicant.

City Manager Gary Esplin advised this is a request to include a beer garden at the Retro Rock Festival at the Ridge Top Complex. Since it is a City owned property, the request needs to be approved by the City Council. The request for the beer garden is separate from the request to use the Ridge Top Complex.

Kjirsten Strong, applicant, explained they are hoping to be approved for the Retro Rock Fest in addition to a beer garden as part of the event.

Curtis Strong stated that they would like to hold the event even if the beer garden is not approved. He commented that beer is sold at City golf courses. They want to be transparent and have open communication about the possibility of this event. Although the beer garden will be a small scale, they have committed to holding this event for three years. This will be a diverse concert and will be their first attempt. They work with fifteen different businesses that give back to the community and would like to continue to build the event. All of their events are family events. They would be open to control the hours of the beer garden. It is proposed that it be in a separate area with separate admission and will include food. He explained that Wasatch would take care of the garden that would be barricaded. ID's would be checked at the main gate as well as in the beer garden area. Beer would not be allowed out of the area. Sonny Boys would be catering the event; this is a service they provide on a regular basis. Beer would be the only thing allowed. Tailgating was discussed with the Police Department. This event is not about the beer, it is about the entertainment. They want to work with the Police Department. The musical festival will feature Quiet Riot, Warrant and 21 cover bands. It will also feature a rib festival and possible lawnmower races. Maverik has shown interest in this event as they have with their past events. They will do various sound checks at different locations throughout the City.

City Attorney Shawn Guzman stated that the City has allowed beer sales at the golf courses, but this has not been allowed on City property in the past. If approved, he asks that the Council authorize staff to work with the City Manager to set the parameters such as the limits of insurance. Additionally, he would want to check with the City's liability insurance carrier to make sure that they are okay with alcohol sales with this type of event on City property. Beer gardens were not approved at the air shows that were held in the past. He explained that the Council does not need to take action in this item since the event is item 6B. The applicant would have to apply for a beer license and return for approval.

City Manager Gary Esplin explained that the event needs to be scheduled. There are some questions with regard the insurance. Item 6B is different from item 6A. He would like to see the applicants return with a plan showing where the beer garden will be placed. Beer sales have not been allowed at the Sunbowl or other City property, other than the golf courses. He suggests staff look at other cities to see

1		o. If the beer garden is approved, there will be additional requests. He
2	suggests ap	proving the concert at this time.
4 5	MOTION:	A motion was made by Councilmember Hughes to approve the Retro Rock Fest at the Ridge Top Complex.
	SECOND	
6 7	<u>SECOND</u> : <u>VOTE</u> :	The motion was seconded by Councilmember Randall. Mayor Pike called for a vote, as follows:
8		
9		Councilmember Almquist - aye
.0		Councilmember Hughes – aye
1		Councilmember Randall – aye
2		Councilmember Bowcutt – aye
3 4		Councilmember Arial – aye
5 6		The vote was unanimous and the motion carried.
	EQUEST FOR SP	ECIAL EVENT AT TOWN SQUARE:
3	Consider a	pproval of a request to hold the Red Rock BBQ Fest in the
)	southwest	parking lot of Town Square. Kjirsten Strong, applicant.
) [City Manage	er Gary Esplin explained that staff has reviewed this applicant and this is
<u>:</u>		event that Town Square was built for.
	Mr. Strona s	stated that the Fire Department had concerns; however, they have been
;		This is an amateur event and will have live music.
•	MOTION:	A motion was made by Councilmember Arial to approve the request to
3		hold the Red Rock BBQ Fest in the southwest parking lot of Town
•		Square.
)	SECOND:	The motion was seconded by Councilmember Bowcutt.
	VOTE:	Mayor Pike called for a vote, as follows:
3		Councilmember Almquist – aye
		Councilmember Hughes – aye
		Councilmember Randall – aye
		Councilmember Bowcutt – aye
		Councilmember Arial – aye
		The vote was unanimous and the motion carried.
)		The vote was unanimous and the motion carried.
SE	ET PUBLIC HEAR	
		dvised that at its meeting on January 13, 2015, the Planning
}		recommended setting public hearings on February 5, 2015 to consider:
•		Plan amendment from Low Density Residential, Medium Density
		Open Space and Commercial to Medium Density Residential, Professional
		Space and Commercial on 105.9 acres generally located between 3000
1		Virgin River and fronts on Mall Drive; 2) a General Plan amendment
		ourse and Open Space to Low Density Residential on 3.966 acres of three reels in close proximity to each other, located off of Bloomington Drive
€	separate par	colo in close proximity to each other, located on or bloomington brive

near the driving range; and 3) a zone change from Open Space and A-1 to RE-20 on

14.01 acres located at approximately 3900 South and Bentley Road (Meadow Valley 1 Farms Phase 9). 2 3 4 A motion was made by Councilmember Almquist to have the public **MOTION**: 5 hearings be advertised for the February 5, 2015 City Council meeting. SECOND: The motion was seconded by Councilmember Randall. 6 Mayor Pike called for a vote, as follows: 7 VOTE: 8 9 Councilmember Almquist - aye Councilmember Hughes - aye 10 Councilmember Randall - ave 11 12 Councilmember Bowcutt - aye 13 Councilmember Arial - aye 14 15 The vote was unanimous and the motion carried. 16 17 **FINAL PLAT:** 18 John Willis presented the final plat for Mulberry Estates Phase 8, a 9-lot residential 19 subdivision located at 3150 South Street and 2980 East Street; zoning is R-1-12. 20 21 **MOTION**: A motion was made by Councilmember Randall to approve the final plat for Mulberry Estates Phase 8. 22 The motion was seconded by Councilmember Almquist. 23 **SECOND:** 24 VOTE: Mayor Pike called for a vote, as follows: 25 26 Councilmember Almquist - aye 27 Councilmember Hughes - aye Councilmember Randall - aye 28 Councilmember Bowcutt - ave 29 Councilmember Arial - ave 30 31 The vote was unanimous and the motion carried. 32 33 LOT SPLIT: 34 35 John Willis presented a request for a lot split for Season's Health located at 126 West 200 North; zoning is PD-R. The purpose of the lot split is so that the owner can 36 obtain financing on the new building. Both lots are utilizing the same access and 37 parking; therefore, a cross access agreement and a shared parking agreement will 38 be required and will be subject to approval of the Legal Department. 39 40 41 **MOTION:** A motion was made by Councilmember Almquist to approve the lot split for Season's Health located at 126 West 200 North as explained. 42 The motion was seconded by Councilmember Arial. SECOND: 43 VOTE: Mayor Pike called for a vote, as follows: 44 45 Councilmember Almquist - aye 46 Councilmember Hughes - ave 47 Councilmember Randall - aye 48 49 Councilmember Bowcutt - ave

Councilmember Arial - ave

The vote was unanimous and the motion carried.

MEMORANDUM OF UNDERSTANDING:

City Manager Gary Esplin explained that this MOU is between the Utah Department of Corrections and the St. George Police Department for electronic access to the sex offender registry watch database. Although this is a continuation of an existing program, there was never a signed agreement.

MOTION: A motion was made by Councilmember Arial to approve the

memorandum of understanding between the Utah Department of Corrections and the St. George Police Department for electronic access

to the sex offender registry offender watch database.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Randall – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

FEE WAIVER:

Officers Lona Trombley and Jeremy Needles explained that they are requesting to use the City Pool for the 4th annual Special Olympics Polar Plunge. The event has raised \$8,500 in 2012, \$10,500 in 2013 and \$15,000 in 2014, all of which has been donated to local athletes. There are approximately 500 athletes in the St. George area. The Special Olympics has started a new program called Healthy Athletes to provide medical and dental care to the athletes. They are requesting a fee waiver to use the City Pool for the event that will take place on February 21, 2015 from 9:00 a.m. to 12:00 p.m. Special Olympics will cover the insurance on their policy.

MOTION: A motion was made by Councilmember Randall to approve the fee

waiver.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Randall – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

City Manager advised that with regard to the minutes; staff would like the opportunity to review the minutes from the December 18, 2014 meeting. He suggested not approving them at this time.

MINUTES:

Consider approval of the minutes from the meeting held on December 4, 2014.

Councilmember Almquist requested the following changes: 1) under resolutions, approximately six pages in, add an 'a' in front of the word minimal; 2) three pages later, under minutes, it speaks about Mr. Keddington was able to speak in the public forum; however, it should read that Mr. Keddington was not able to speak in the public forum; and 3) the next page, a request was made to Mr. Guzman to explain the purpose of closed sessions, there was a miscommunication in the community that Councilmembers call for closed sessions; however, they are called for by the City Manager or City Attorney via the Mayor.

Mayor Pike commented that is typically how it happens. Councilmembers do not call for closed sessions, they just vote on them.

MOTION: A motion was made by Councilmember Arial to approve the minutes

with the requested changes.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Randall – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

APPOINTMENT:

Mayor Pike recommended appointing Josh Bevans to the Airport Advisory Board for a four year term. He lives in Washington City; however the ordinance allows for two members living outside the City.

MOTION: A motion was made by Councilmember Randall to approve the

appointment.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Randall – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin mentioned the question that Councilmember Almquist asked in regard to the financial statement. He clarified that the funds were revenues, not expenditures.

REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:

Councilmember Arial mentioned the Art Museum is having their 'Pot Throw' event on January 30, 2015 from 3:00 to 6:00. Additionally, she mentioned that 52 people attended the last art conversation. She asked why tables are not allowed to be set outside the Social Hall for an event.

Mayor Pike stated that can be checked on.

Councilmember Randall stated that the Shade Tree Board would like to do a follow up presentation in February.

Mayor Pike commented that the Shade Tree Board has invited the City Council to tour the tree farm. He asked City Manager Gary Esplin if both can be done at the same time.

City Manager Gary Esplin explained that the meeting can be advertised to be held at the Waste Water Treatment Plant. The Council can tour the tree farm as well as the plant.

Councilmember Randall asked for an update on the box office.

City Manager Gary Esplin stated that he should have an answer next week. Additionally, he mentioned that staff will recommend an award of bid for the restrooms at the Children's Museum in February.

Councilmember Arial mentioned that the Arts Commission members have some feedback on the box office. They do not see it will work because patrons would have to stand outside and there is limited space.

Councilmember Hughes mentioned that the Housing Authority did not meet; however, the Homeless Coordinating Council had a productive meeting. They are helping a woman who wants to travel to Colorado Springs where she has better support. The annual Point in Time Count will take place on January 29, 30 and 31; homeless residents will be asked where they spent the night on January 28th. He reminded the Council of the need for an additional board member, who is not affiliated with an animal rescue group, for the Animal Shelter Board. He mentioned that Mayor Pike attended the meeting as well.

Mayor Pike commended Ivor Fuller, Captain McCracken and the Animal Shelter staff for the job they do. He mentioned that the board had to make some tough decisions on a couple of animals. The board is working on their mission. He complimented City staff who has been involved in assisting Ivins with the expanding Suntran system. Additionally, he mentioned that the DTEC approved a plan outlining how to finance various roads projects. The DTEC is looking at a variety of measures that may happen to pay for the projects. He explained that ULCT would like the City to consider a resolution regarding transportation.

1 ST. GEORGE CITY COUNCIL MINUTES 2 **WORK MEETING** 3 JANUARY 29, 2015, 4:00 P.M. 4 **ADMINISTRATIVE CONFERENCE ROOM** 5 6 PRESENT: 7 **Mayor Jon Pike** 8 **Councilmember Gil Almquist** 9 **Councilmember Jimmie Hughes** 10 **Councilmember Michele Randall** 11 **Councilmember Joe Bowcutt** 12 **Councilmember Bette Arial** 13 City Manager Gary Esplin 14 **City Attorney Shawn Guzman City Recorder Christina Fernandez** 15 16 17 **OPENING:** 18 Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge 19 of Allegiance to the Flag was led by KC Zeeman and the invocation was offered by 20 Reverend Alex Wilkie. Reverend Wilkie then presented Mayor Pike with a donation 21 for the All Abilities Park. 22 23 Mayor Pike mentioned the Local Officials Day conference that he, the 24 Councilmembers and the Youth City Council attended in Salt Lake City. 25 26 PRESENTATION AND UPDATE FROM UDOT REPRESENTATIVES REGARDING 27 **PROJECTS:** 28 City Manager Gary Esplin commented UDOT has been a great partner. 29 30 Public Works Director Cameron Cutler introduced the UDOT representatives. He 31 then presented a PowerPoint presentation covering the following topics: I-15 Underpass; Study Location; Data Collection Sites; Table 1: Shift in Traffic; Table 2: 32 St. George Boulevard 2040 PM Peak Traffic Analysis Summary; Mall Drive Crossing 33 34 Concept Analysis and Refinement; EA Option 1 - Mall Drive Underpass; EA Option 2 35 Mall Drive Tee Into Red Hills Parkway; Option 3 – 1680 East Crossing; Option 4 – 36 Mid Block Crossing; Option 5 - SPIDR; and I-15 Widening Mile Post 8 to 10 with 37 Underpass Improvements. 38 39 Kim Manwill with UDOT explained that they are trying to determine when the Mall 40 Drive project can be funded. They can do the widening and think of the cost later. The other option is to put the structure in place at this time for \$5 - \$7 million. 41 42 Based on triggers for the I-15 corridor, mile posts 8 to 10 are ready to go. 43 44 Councilmember Hughes commented that Option 1 does not work for cueing. 45 Mr. Manwill explained that there a lot of utilities in the Mall Drive area. This will 46 require Red Cliffs Drive and Red Hills Parkway to be lowered and I-15 to be raised. 47 48 49 Rick Torgeson with UDOT explained that they have the funds to do the study right 50 now. 51 52 City Manager Gary Esplin commented that if the City is going do something with Mall

Drive, it needs to do it at the same time. Funding will have to be determined.

 Mr. Torgeson stated that UDOT funded southbound I-15 between exits 4 and 6. He provided an updated on other I-15 projects in the region.

City Manager Gary Esplin asked what will be the bottom line will be for the City.

Mr. Torgeson explained that they will build the bridges from the interstate across.

City Manager Gary Esplin inquired if Washington City is participating as they will benefit. There is a value in having the interchanges protected.

Mr. Torgeson explained that the MPO is contributing \$1.1 million for this project and Washington City is working on Exit 11. This proposal will benefit exits 8 and 10.

Councilmember Almquist inquired about Option 1. He asked Mr. Cutler asked if taking Mall Drive under the freeway was looked into.

Mr. Cutler stated that they looked at taking Mall Drive both under and over the freeway.

Mr. Torgeson explained that the majority of the cost is in raising I-15.

Mayor Pike commented that when it comes to a \$35 million option, there is no way the City can bear the majority of the cost. Additionally, if UDOT cannot fund that option, it should be off the table.

Mr. Torgeson added that he will meet with City Manager Gary Esplin and Mayor Pike to discuss options.

Brandon Anderson with UDOT provided the Council with an update on Bluff Street as well as Dixie MPO Goals and the Bluff Street Environmental Assessment. Three projects were identified that should be looked at. They are St. George Boulevard to Red Hills Parkway, Red Hills Parkway to Winchester Hills and St. George Boulevard to Main Street. Approximately 40,000 cars drive the Bluff Street Corridor currently; in 2040 that number is projected at 65,000, which puts the level of service to an E which is failing in UDOT's eyes.

Dana Meyer with UDOT explained that when MPO runs the traffic demand model, they have a long range plan. They design what they need to maintain level of service D.

Mr. Anderson stated that with regard to widening Bluff Street, they have come up with a new concept called a super street that will impact fewer businesses. This interim solution will get them to 2030 – 2035. He explained that Colorland is defined as a historic property, so they will design around that.

Myron Lee with the MPO explained that from a long range planning prospective, doing the interim project that gets them out to 2030, they will have to redo the project in 15 years. It will be easier to find the money now rather than later.

Mr. Anderson commented that the right of way will be purchased now but will be built later.

Mr. Meyer explained that they do not know what transportation and facilities will look like in 15 years. There may not be a need to implement a super street in 2040.

Mr. Anderson continued with the expectations for the next 6 months and for the next 6+ months. They have funded \$20 million for the Sunset Boulevard project.

Mr. Meyer stated that he understands that citizens believe the numbers are incorrect. He explained that they have automatic traffic recorders. One of which was located between St. George Boulevard and Sunset. Although that particular recorder was relocated south of St. George Boulevard in 2008, their website still said it was recording at the old location. They have done additional studies and are confident the numbers are accurate.

City Manager Gary Esplin stated that the assumption is that there will be development to the north. He asked if the model takes land ownership, density and projected growth rate into consideration.

Mr. Lee explained that the model does not add in much growth north of The Ledges. It uses the growth projections from the Governor's office of Planning Management. The rate is 3½ percent growth moving forward which has been accused of being low in this area. If the growth projections are low, the numbers will be hit sooner than projected.

Mayor Pike commented that City Manager Gary Esplin's point of land ownership is critical.

Mr. Lee explained that they have taken population projections and looked at current land use plans. If the lands were to be developed as they are currently zoned, they feel their model works with the current land use plans through 2040.

PRESENTATION FROM THE CHAMBER OF COMMERCE:

 Gregg McArthur with the Chamber of Commerce provided a handout outlining their proposed offices. He explained that they are looking to utilize the old water conservancy district building. Their plan is to have Hendriksen Butler do the interior and the furniture. They have been fundraising and now have the funds to move forward.

City Manager Gary Esplin advised that the original concept would be that the Chamber would make the improvements at their cost. He asked Mr. McArthur how long of a lease they would like. Previously, the issue was what was going to be done with the existing building. Staff would like to see the building used.

Councilmember Arial commented that the Chamber of Commerce is an anchor for the community. This is really exciting.

City Manager Gary Esplin commented that he sees this as a win-win situation. He has not discussed staffing of the existing building.

Mr. McArthur explained that they would like the existing building to be a St. George visitor's center.

1 2	City Manager Gary Esplin stated that long term, there is a need to do additional improvements. The historic nature and character of the building would not be		
3	altered.		
4 5	Mayor Pike asked City Manager Gary Esplin to have the Legal Department draft an		
6 7	agreement.		
8	REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:		
9 10	Councilmembers Almquist, Bowcutt and Randall had nothing to report.		
11 12	Councilmember Hughes mentioned the Point in Time Count.		
13	Councilmember Arial mentioned the Arts Council and several other groups were		
14	discussing the Electric Theater. They would like to know what constitutes the		
15 16	Downtown Arts District.		
17	City Manager Gary Esplin explained that they are supposed to make the		
18 19	recommendation to the City Council. Additionally, they should decide where the pieces of art that have been purchased by the City are to be placed.		
20	pieces of the that have been parchased by the city are to be placed.		
21	Mayor Pike mentioned that the Dixie Rebels have changed their name to Zion Lions		
22	Football. To purchase a season pass, patrons buy a hat or a t-shirt on their website.		
23	They propose to have nine home games at the Sunbowl and would also like to		
24	practice there. The details for their use of the Sunbowl will have to be worked out.		
25	Lockers and showers would have to be provided for the visiting teams; they propose		
26 27	to use the Recreation Center.		
28	City Manager Gary Esplin stated that he spoke with Kent Perkins about additional		
29	uses for the Sunbowl,		
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31	Mayor Pike mentioned that Art Around the Corner is still under budget with all that		
32	they purchased. Since they are under budget, they asked to purchase another		
33	piece.		
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35 36	The consensus of the Councilmembers is to allow Art Around the Corner to purchase		
37	the piece if Councilmember Arial okays it.		
38	Councilmember Arial asked if the Sunbowl can be used as a flea market.		
39	and the same of th		
40	Mayor Pike stated that would have to be looked at.		
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42 43	Ed Baca, citizen, asked if the public would be able to watch the Zion Lion's practices.		
44	Mayor Pike stated that he will find out.		
45 46	ADJOURN TO CLOSED SESSION:		
47	MOTION: A motion was made by Councilmember Randall to adjourn to a closed		
48	session to discuss potential litigation.		
49	SECOND: The motion was seconded by Councilmember Arial.		
50	VOTE: Mayor Pike called for a roll call vote, as follows:		
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52	Councilmember Almquist - aye		
53	Councilmember Hughes - aye		

1 Councilmember Randall – ave 2 Councilmember Bowcutt - ave 3 Councilmember Arial - ave 4 5 The vote was unanimous and the motion carried. 6 7 The meeting reconvened at approximately 6:15 p.m. 8 9 City Manager Gary Esplin advised that Randy Wilkinson would like to create a CDA in 10 the downtown area. That would entail the City giving the business a subsidy. If a CDA is going to be created, it should be taken all the way out to Smith's. Someone 11 12 would have to hired to create the CDA. The City does not give tax credits to 13 businesses. 14 Mayor Pike commented that this is a dangerous precedent. He would like to let 15 16 Washington County School District Superintendent Larry Bergeson know that the City 17 is not pushing this. He does not want to abuse the partnership with the School 18 District. 19 20 City Manager Gary Esplin updated the Councilmembers on the train for the All 21 abilities Park. He asked the Councilmembers what direction staff should take with 22 regard to RAP tax projects. Additionally, he updated the Councilmembers on 23 possible RAP tax projects. 24 25 Councilmember Hughes mentioned that the tennis courts at Hidden Valley Park are in 26 bad shape. 27 28 City Manager Gary Esplin explained how the RAP tax funds are received by the City. 29 30 Chief Stratton explained that Sergeant Gilman sits on a suicide prevention coalition. 31 At the last meeting, they discussed recognition awareness for suicide prevention in 32 the form of a flash mob. He read an email received from Bruce Solomon, who is also a member of the coalition, explaining what the flash mob would do. He told 33 34 Sergeant Gilman that he is not comfortable with their request. 35 36 City Manager Gary Esplin stated that he appreciates the fact that they want to create 37 awareness; but this is not the way to do it. 38 39 The consensus of the Councilmembers is to not allow this request. 40

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The meeting then adjourned.

ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
FEBRUARY 5, 2015, 5:00 P.M.
CITY COUNCIL CHAMBERS

PRESENT:

Mayor Jon Pike
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Councilmember Joe Bowcutt
Councilmember Bette Arial
City Manager Gary Esplin
City Attorney Shawn Guzman
City Recorder Christina Fernandez

EXCUSED:

Councilmember Michele Randall

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Scout Ben Owen and the invocation was offered by Pastor Jonathan Hendren with the New Beginning Christian Fellowship. He invited the Scouts in the audience to come forward and recite the Scout law. He mentioned that the Transportation Expo will be held at the Dixie Center on Tuesday, February 10, 2015. Additionally, he mentioned that the February 12, 2015 City Council meeting will be held at the Dixie Center beginning at 8:00 a.m. and the Sweetheart Swing that will be held on February 14, 2015. He invited Santa Clara Mayor Rick Rosenberg to speak.

Santa Clara Mayor Rick Rosenberg mentioned that he and Mayor Pike visited Britton Shipp, who was in an ATV accident in November. To see his progress is inspiring. Mayor Pike presented Britton with a key to the City.

COMMENTS FROM THE PUBLIC:

Lauren Cummings, resident, stated that she supports the RAP tax. She proposed a dog park be built near 2450 East Park or Millcreek Park. There are not enough parks for responsible dog owners to play with and exercise their dogs.

Councilmember Hughes commented that the City is trying to do something for everyone. It may be something to look at.

Mayor Pike stated that the staff is still working on a list of RAP tax projects. Her request will be considered.

David Doddredge, resident, stated that he is a retired LAPD Detective. He explained that a couple of months ago his wife was pulled over for a headlight violation. At that time, the officer asked her for her cell phone number. He called the police department and asked why they are asking for cell phone numbers and was told it was for reverse 911 calls. He is interested to know if the Police Department operates a Stingray device that acts as a portable cell tower and records cell phone calls.

Police Chief Marlon Stratton stated that the Police Department does not have a Stingray device or anything similar.

Mr. Doddredge commented that a bill will be passed in New Hampshire that states Police Departments cannot have military grade hardware that is not available for purchase by the public. He asked what kind of equipment the Police Department has that may not be available for the public.

Police Chief Marlon Stratton stated that the Police Department has an armored personnel carrier that is on loan from the Department of Homeland Security. The vehicle has no weapons. All weapons and body armor used by the officers can be purchased by anyone. With regards to the officer asking his wife for her cell phone number, he is not sure why the officer would ask specifically for the cell phone number. If there is ever a question or concern, he encouraged Mr. Doddredge to call him directly so that he can check into it.

City Manager Gary Esplin advised that items 1B and 1C will not be heard tonight.

PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:

Public hearing to consider an amendment to the General Plan Land Use Map for approximately 105.9 acres generally located between 3000 East Street and the Virgin River and fronts on Mall Drive by changing the land use designation from Low Density Residential, Medium Density Residential, Open Space, and Commercial to Medium Density Residential, Professional Office, Open Space, and Commercial. Suburban Land Reserve, LLC applicant.

John Willis presented a General Plan Land Use Map amendment for property generally located between 3000 East Street and the Virgin River. He showed an aerial and zoning map of the area. On January 8, 2015 the City Council approved the Commercial land use designation. The remaining portion of the proposal was tabled by the Planning Commission with the direction to modify the proposal. The applicant proposes a commercial center on the northwest intersection. Policy states that it should be located in specific areas to reduce cross town travel. Additionally, the applicant is proposing medium density residential on the south side. Currently, a portion of the property south of Mall Drive is in the floodplain and will be zoned Open Space. Any development that will occur within the erosion hazard boundary will have to be mitigated in the future. He then showed pictures of the area. Planning Commission recommends approval.

City Manager Gary Esplin provided an update on the drainage issue in that area. He explained that there is a tentative agreement with the property owner to provide the necessary property and combine the easements to construct a major drain from 3000 East to the River. It is anticipated that construction will be completed by July 1, 2015.

Councilmember Bowcutt asked what would need to be done to mitigate the erosion hazard boundary.

Mr. Willis explained that the developer will have to do an erosion hazardous boundary study which will tell them what will need to be done.

Mayor Pike opened the public hearing.

Kelly Prince, resident, asked what the plans are for the sides of the roads for bikes and those that walk. The new intersection is precarious. Additionally, she asked when a stop light will be installed.

Mayor Pike answered that a signal was approved for 3000 East and Mall Drive. It is currently in the design phase.

Jay Sandberg commented that the drainage project and road widening will have to be done first.

City Manager Gary Esplin explained that it is important to know that the City has built the road. The City's policy is to have the developer cover the cost to widen the road. As this development occurs, that section will be built; however, in construction of the new drainage a trail will be put in that will go from 3000 East to the bridge on the south side of the road. The trail will be done by July, 2015.

Mayor Pike closed the public hearing.

MOTION: A motion was made by Councilmember Almquist to approve the

amendment to the General Plan Land Use Map for approximately 105.9

acres currently zoned Low Density Residential, Medium Density Residential, Open Space, and Commercial to Medium Density

Residential, Professional Office, Open Space and Commercial as has

been outlined in the presentation.

SECOND: The motion was seconded by Councilmember Bowcutt.

Mayor Pike mentioned that 3000 East and Mall Drive are 90 foot roadways.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:

Public hearing to consider an amendment to the General Plan Land Use Map for approximately 3.996 acres generally located at 3100 South on Bloomington Drive near the Driving Range by changing the land use designation from Golf Course and Open Space to Low Density Residential. Bloomington Country Club, applicant.

Ray Snyder presented a request for a General Plan Land Use Map amendment for property located at 3100 South on Bloomington Drive. He showed zoning and aerial maps as well as photos of the area. The amendment would create three parcels to be zone low density residential. He read the comments from the Planning Commission report. If approved, the applicant will return with a zone change request.

Councilmember Bowcutt explained that access was discussed at the Planning Commission. That will be determined when the developer comes in with a plan; it is not being addressed at this time.

Mayor Pike opened the public hearing.

Wendy Johnston, resident, stated that she is concerned with how many homes will be built there. She understands that access will be this will be addressed further in the process. The property is on an s-bend on Bloomington Drive. The visibility is in question with regard to driveways that enter onto Bloomington Drive. There are residents who are concerned with what is happening in the neighborhood.

Larry Thaymer, previous president of the Bloomington Country Club, explained that when this project goes further, they will mitigate the issues with regard to parking and access. On the east side, some of the lots on the driving range will have to be walk out basements.

Mayor Pike closed the public hearing.

MOTION: A motion was made by Councilmember Arial to approve the amendment

to the General Plan Land Use Map on approximately 3.996 acres

generally located at 3100 South on Bloomington Drive near the driving range by changing the designation from Golf Course and Open Space to

Low Density Residential.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONE CHANGE/ORDINANCE:

Public hearing to consider a zone change from Open Space and A-1 to RE-20 on property located at approximately 3900 South and Bentley Road. Development Solutions Group, Inc., applicant.

Ray Snyder presented the request for a zone change for property located at approximately 3900 South and Bentley Road. He showed maps and photos of the area. Notice letters were sent to property owners within a 500 feet radius.

Mayor Pike opened the public hearing.

James Oliphant, resident, stated that he has interest in the property to the south of this lot. He commented that he is not sure what FEMA is doing in the area and mentioned that there was a flood in 1996. The Ft. Pierce drains 6,000 square miles, when it rains it floods heavily. He has lived on his property for 35 years. The channel of the wash has changed over the last few years. He was told by the City Council approximately five years ago that they would never change the OS because it is a

potential flood zone. He wanted it changed to utilize his property and was told no. When Quality Excavation was there, their pit was flooded in 2001 and 2005. The existing flood plain he has shows the 100 year flood zone running in a different direction. He wants to know if the City Council will allow him a zone change. His concern is that the soil there is top soil brought in the by the Ft. Pierce Wash. He is not trying to stop development, but he wants the developer to go forward with all of the information.

Ila Oliphant, resident, explained that she was told that the 100 year flood has not happened yet. When it does, the flood will destroy all of the homes. The Ft. Pierce Wash has a lot of power behind it.

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Mayor Pike stated he has a photo taken in 1915, hanging in his office that shows the washes at flood stage. He then closed the public hearing.

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Councilmember Almquist asked what the red line represents on the map he displayed.

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Mr. Snyder explained that the red line is the erosion hazard boundary, the blue line is the 100 year flood plain and the blue dashed line is flood way limits. He further explained that the entire green area is the 14 acres and the developer will have to show they meet FEMA requirements.

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City Manager Gary Esplin stated that the developer will have to the take the erosion protection south into the Ft. Pierce Wash and to protect the bank and the property. The maps from FEMA show this property to be outside the 100 year flood plain.

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Jay Sandberg explained that the original erosion hazard boundary adopted by the City did not show this area. It followed the boundary of the 100 year flood plain. The original maps ended at River Road. A few years ago, the City cooperated with some of the property owners and mined some gravel out of the River. In doing so, the erosion hazard boundary was updated. The consultant stated that some of the areas that were mined needed to be looked at. When Development Solutions looked at this, they determined that not much was mined in this area. Their study determined that the line moves back closer to the River. There is some potential erosion near Commerce Drive; therefore they are planning on doing bank protection. The City is working with property owners to have a better crossing on Commerce Drive. A consultant was hired and will be looking at the flood plain and erosion in this area.

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City Manager Gary Esplin stated that this is a zone change not a development plan. In the past, the policy has been that if a property is outside the 100 year flood plan, they have the right to develop their property. Before the subdivision plats come in. staff will require the studies and the flood plain analysis. He hopes to complete Commerce Drive prior to the development. The City is spending money to keep the channel as clear as possible.

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Mr. Oliphant commented that FEMA's study was done with 1 inch of water and a 25 mile range.

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Mr. Sandberg explained that the study looked at approximately 1500-1600 square miles. FEMA have methods that they use to look the areas.

City Manager Gary Esplin explained that the City is doing improvements on River Road and the bridge. Staff recognizes that the area is a bottle neck.

Mr. Oliphant commented that the City Council should get all of the facts before they approve a zone change.

Mayor Pike stated that nothing will happen until the next step.

City Manager Gary Esplin explained that the property is outside of the existing 100 year flood plain. Denying their application to do further studies is not fair to the developer. There are concerns and a need for further studies; however their application meets the current requirements. Staff cannot argue with the engineers.

Councilmember Hughes stated that what the zone is being changed to is more acceptable than R-1-10 or less. FEMA says this is not in the flood zone. He agrees with the City Manager with regard to not denying the request at this point.

City Manager Gary Esplin commented that he has seen a lot happen. In his opinion. the City is light years ahead of any other community in Southern Utah with dealing with erosion protection. In the 2005 flood, homes went into the River not because of the volume of water in the River; rather the long term erosion was not mitigated. The City has spent millions of dollars providing the erosion protection from the River. The erosion protection hazard line is dealt with every time a development comes into the City. Doing this will protect their property as well as other properties that do not have protection.

Councilmember Almquist stated that he has not heard from the applicant.

Ryan Thomas, representing the developer, stated that there are concerns with the development being adjacent to the floodway, but they are outside of the current 100 year flood plain, therefore, he believes their request is okay to develop the area. They work closely with City staff and will make sure that the development is built to industry standard.

MOTION: A motion was made by Councilmember Hughes to approve the zone

change from Open Space and A-1 to RE-20 on approximately 14.01

acres.

SECOND: The motion was seconded by Councilmember Arial.

Mayor Pike called for a roll call vote, as follows: VOTE:

> Councilmember Almquist - nay Councilmember Hughes - aye Councilmember Bowcutt - aye Councilmember Arial - aye

The motion carried.

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Councilmember Almquist explained that he voted nay because he believes the City is close to seeing a real study that has a bit more data.

Councilmember Bowcutt stepped out.

AWARD OF BID:

Consider award of bid for a 6,000 pound overhead wire puller for the Energy Services Department.

City Manager Gary Esplin advised that this item is included in the current budget.

Connie Hood explained that there are only two suppliers for this particular wire puller. The bid came in under budget at \$121,826; the low bidder was NESCO.

MOTION: A motion was made by Councilmember Hughes to approve the amount

for the overhead wire puller of \$121,826.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

Councilmember Bowcutt returned.

AWARD OF BID:

Consider approval of a change order for the Sand Hollow Wash Bridge & Trail Extension Professional Services Agreement with Rosenberg Associates.

Connie Hood advised that this request is for change orders in the amount of \$50,324 for the Sand Hollow Wash Bridge & Trail Extension project.

City Manager Gary Esplin explained that the Council changed the project in the middle of design phase.

MOTION: A motion was made by Councilmember Almquist to approve the Sand

Hollow Wash Bridge & Trail Extension Professional Services Agreement

with Rosenberg Associates.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

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AWARD OF BID:

Consider award of bid for the annual crack seal project.

City Manager Gary Esplin advised that under the pavement management program, this is one of the major items that the City does each year to preserve the streets.

Connie Hood explained that the low bid came in at \$361,840 from Superior Asphalt. The cost is less than last year.

MOTION: A motion was made by Councilmember Arial to award the bid for the

annual crack seal project to Superior Asphalt for \$361,840.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

FINAL PLAT:

John Willis presented the final plat for Fieldstone Phase 2, a 6-lot residential subdivision located on the Southside of Crimson Ridge Drive at approximately 2240 East, zoning is R-1-10. The applicants are proposing to use lot size averaging and the Planning Commission recommends approval.

MOTION: A motion was made by Councilmember Almquist to approve the final

plat for Fieldstone Phase 2.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

FINAL PLAT:

John Willis presented the final plat for Red Storm Town Homes, a 12-lot multi-family residential subdivision located at 487 South 1100 East, zoning is R3. Planning Commission recommends approval.

MOTION: A motion was made by Councilmember Hughes to approve the final plat

for the Red Storm Town Homes.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

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Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

John Willis presented the preliminary plat for The Reserve at River Hollow, a 16-lot residential subdivision generally located at 1200 South 2670 East, zoning is RE-20. The Planning Commission spent quite a bit of time reviewing this plat. He showed aerial maps of the location. A zone changed was approved by the City Council on September 4, 2014. The applicant is proposing flag lots that will be accessed through the cul-de-sac, which the Planning Commission approved. Additionally, they are proposing double fronting lots along 2780 East and will require a 10 foot landscape strip with a 6-foot privacy wall. The subdivision will become part of the River Hollow HOA. There was a lengthy discussion regarding the park strip. If the home owner does not maintain the park strip, the HOA would be responsible to maintain it. The Planning Commission felt that the cul-de-sac was acceptable in that area. An agreement to maintain access for the flag lots will be required and will be subject to approval by the Legal Department. The Planning Commission recommended approval subject to the following conditions: 1) Approval by the Legal Department; 2) The HOA CCRs stating that the lots are required to maintain the landscape strip, the HOA reserves the right to maintain them in the event that the low owner does not maintain them and charge back to the owner; and 3) The ownership and maintenance of the flag lot is subject to approval by the Legal Department.

Councilmember Bowcutt inquired if there was an existing road where the cul-de-sac comes in.

Mr. Wills explained that there is an old dirt road. The size of the flag lots are 1.24 acres. The developer and applicant are trying to have an estate feel with this development.

Ray Alton, engineer, stated that the developer has agreed to the stipulations of the Planning Commission. There is some existing landscaping in front of the property that will remain.

MOTION: A motion was made by Councilmember Hughes to approve the

preliminary plat for Reserve at River Hollow with the conditions and

comments from the Planning Commission.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

MEMORANDUM OF UNDERSTANDING:

Consider approval of a memorandum of understanding between the City of St. George Police Department and the Department of Veterans Affairs Police.

City Manager Gary Esplin advised this is a memorandum of understanding between the City of St. George Police Department and the Department of Veterans Affairs Police to help them in their efforts.

City Attorney Shawn Guzman explained that there an outreach clinic on Tabernacle; however, their police are located in Salt Lake City.

MOTION: A motion was made by Councilmember Arial to approve the

memorandum of understanding between the City of St. George Police

Department and the Department of Veterans Affairs Police and

authorize the Police Chief to sign.

SECOND: The motion was seconded by Councilmember Bowcutt.

<u>VOTE</u>: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Councilmember Arial mentioned that Art Around the Corner asked to use the marquee to advertise their events. Additionally, she had a couple of people inquire about internships with the City.

Mayor Pike told Councilmember Arial to coordinate that with Marc Mortensen. He stated that she can speak to him and City Manager Gary Esplin regarding internships.

Councilmember Hughes commented that the Flood Control Authority meeting was pretty uneventful. They received a grant from the NRCS.

Mayor Pike commented that the Flood Control Board is still pursuing access agreements for the River.

City Manager Gary Esplin commented that the Army Corps have been good to work with because the City has a plan.

Councilmember Hughes mentioned that the Flood Control Authority is taking all of the communities and working together.

Mayor Pike mentioned that the City may have a new City Treasurer soon. Additionally, he mentioned the Mayors meeting that he attended Tuesday night. The Solid Waste Board meeting is meeting Monday night at 5:00; they will consider curbside recycling. Currently, they have two proposals.

Councilmember Almquist commented that it was nice to see Channel 4 do the report on SwitchPoint. He mentioned that the Mosquito Abatement District is concerned with the warm temperature.

Councilmember Bowcutt stated that he missed the Planning Commission meeting.

Councilmember Arial mentioned that the Art Museum is hosting a paper wedding dress fashion show on Saturday. Admission into the Art Museum will be free that day.

Mayor Pike commented that it is fascinating to see the progress being made on the Electric Theater.

ADJOURN TO CLOSED SESSION:

MOTION: A motion was made by Councilmember Hughes to adjourn to a closed

session to discuss potential litigation.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

The meeting reconvened after the Closed Session.

City Manager Gary Esplin advised that the SASO agreements were taken off agenda because Mark and Scott Gubler, who own the hangar, used to have a commercial license and let it lapse. They were going to petition to have it reinstated and then lease it to Duane Adams for his business. Staff has been working with him for at least four years. They are operating without a license; do not have a lease and are operating commercially. The Adams' have other hangars that are not licensed that they are operating a business out of. They are storing their airplanes, performing maintenance and running a flight school out of them. Staff would have been okay with Mr. Adams using the Gubler's hangar, but they found out that they have six tie downs and are paying for three. The State Tax Commission said that Kolob Air has a hangar and they are storing seven airplanes that may have something to do with unpaid taxes. The chief mechanic for Kolob Air is listed as Duane Adams. He is not insured correctly. Staff does not want tie downs to be used as storage for inoperable airplanes. He proposes telling the Gubler's and the Adams' if they want to consolidate all of their belongings into one hangar, they should obtain a building permit, get plans approved, obtain an appropriate lease and start construction, otherwise they cannot continue to operate. Ms. Adams' daughter has been meeting with staff and told them that if they are shut down, they will go out of business.

City Attorney Shawn Guzman explained that Mr. Adams did sign a lease once he was at the new airport for approximately one year. The lease had drop dead dates for reconstructing the former hanging, which they missed so the lease was breached and gone. This current version of the lease states that they had to have the building done this month.

52 53 Mayor Pike stated that was in one of the meetings, Mr. Adams was ready to sign the lease.

City Attorney Shawn Guzman explained that he has not seen a completed site plan, which is needed to determine rent. This issue came to a head because the hangar that they were in had a lower rate for those who are using, or subleasing to someone, for their airplanes for recreational use, as opposed to commercial.

City Manager Gary Esplin stated that the FAA requires the City to get a fair market return on the lease of the property.

City Attorney Shawn Guzman explained that they are inside the gate. Although they follow the safety requirements, they should not be inside the gate because they do not have a lease. He can tell them that they do not have a lease and cannot operate until they have fulfilled the requirements needed to approve the lease. Additionally, they would have to sign the lease and build the building.

City Manager Gary Esplin explained that when this situation occurred at the old airport, there was sympathy from private plane owners. If they want to do business, they have to abide by the insurance requirements and have the proper permits.

Councilmember Hughes commented that the Airport Board may help.

City Manager commented that he would like to give them a chance; however, they need to get their operations in order. If Mr. Gubler allows Mr. Adams to sublease his hangar for a year, that is okay.

City Attorney Shawn Guzman advised that he would not allow Mr. Gubler to sublease the hangar to Mr. Adams until everything is in order. They can obtain subleases form other hangars; however staff would have to look at their location.

Councilmember Almquist commented that at some point the City Council said the hangars were not to be treated like storage units.

Mayor Pike replied yes.

City Manager Gary Esplin explained that fair rates need to determined and that everyone needs to pay them. Additionally, insurance needs to be adequate.

The consensus of the Councilmembers is to go with the City Manager's recommendation.

ADJOURN:

MOTION: A motion was made by Councilmember Almquist to adjourn.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye Councilmember Hughes – aye Councilmember Bowcutt – aye Councilmember Arial – aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder